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House of Representatives

The House met at 2 p.m. and was called to order by the Speaker pro tempore [Mr. PEASE].

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC.
April 14, 1997.

I hereby designate the Honorable EDWARD A. PEASE to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

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

We recognize, O gracious God, that we represent our best selves when we see our lives with the perspective of thanksgiving and praise. On this day we voice our gratitude for the freedoms we have to express our faith in differing and divergent ways, each person with the opportunity to believe, each with the opportunity to witness, each with the possibility to worship and pray as You have given us the wisdom so to do. Just as we hold to our own heritage of faith and our own words of belief, so we have been blessed in this Nation by the liberty to believe as we believe, to worship as we worship, and to pray as we pray. For these gifts we offer this prayer of thanksgiving. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. ROGAN led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment a bill and a concurrent resolution of the House of the following titles:

H.R. 785. An act to designate the J. Phil Campbell, Senior, Natural Resource Conservation Center.

H. Con. Res. 11. Concurrent resolution permitting the use of the rotunda of the Capitol for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust.

The message also announced that the Senate had passed a joint resolution and a concurrent resolution of the following titles:

S.J. Res. 11. Joint resolution commemorating ''Juneteenth Independence Day,'' June 19, 1865, the day on which slavery finally came to an end in the United States.

S. Con. Res. 20. Concurrent resolution expressing the sense of Congress regarding the status of the investigation of the bombing of the Israeli Embassy in Buenos Aires in 1992.

EXTENDING ORDER OF THE HOUSE OF FEBRUARY 12, 1997, THROUGH APRIL 16, 1997

Mr. SOLOMON. Mr. Speaker, I ask unanimous consent that the order of the House of February 12, 1997, be extended through April 16, 1997.

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

There was no objection.

ANNOUNCEMENT OF EMERGENCY MEETING OF COMMITTEE ON RULES TODAY

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

Mr. SOLOMON. Mr. Speaker, this evening at 5 p.m. the Rules Committee will be meeting on other matters, but I would announce that there will be an emergency rules meeting of the Rules Committee for the purposes of establishing a Suspension Calendar for Wednesday and Thursday and I would like to inform the body.

JUSTICE IN RESOLVING THE GINGRICH ETHICS VIOLATION

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

Mr. ROGAN. Mr. Speaker, as a former prosecutor and judge, I devoted my life to ensuring that great injustices did not occur; and my concern, Mr. Speaker, is that we are a body about to see a potential injustice done with respect to final resolution against the Speaker of the House in reimbursing the Committee on Standards of Official Conduct.

There has been a great deal of disinformation spread about his particular case. In fact, Mr. Speaker, there was no finding of any violation of tax law. The Committee on Standards of Official Conduct filed a 22-page report and found there was no evidence of any willful or criminal conduct on behalf of the gentleman from Georgia [Mr. GINGRICH]. There was no violation of law found by this bipartisan committee. And yet, despite that, Mr. Speaker, there is this great urge now to come up with a preordained result as to how the Speaker ought to pay that.

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Mr. Speaker, I rise to urge Mr. GINGRICH to consider his options and give them equal consideration as he decides how to reimburse this House and not be cowed or intimidated by any lynch mob out to obtain a result disproportionate to the transgression that the House found.

AMERICA'S PATENT SYSTEM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from California [Mr. ROHRABACHER] is recognized for 60 minutes as the designee of the majority leader.

Mr. ROHRABACHER. Mr. Speaker, yesterday was the birthday of Thomas Jefferson. Thomas Jefferson, author of the Declaration of Independence, is a revered Founding Father of our Nation, the man who stood more than any of our other Founding Fathers for liberty and independence, the author of the Declaration of Independence.

Thomas Jefferson, I might add, did not stand just for liberty and freedom and democracy, he also stood for technology. Many times, people have forgotten this aspect of Thomas Jefferson, but Thomas Jefferson's commitment, his dedication to the concept of America being a new kind of society where people would be free to grow and to expand and to live decent lives and to have opportunity that was unknown throughout the world at the time of Thomas Jefferson, his dedication has been imprinted onto American law in ways that most Americans do not even remember or reflect upon as we enjoy this freedom and this great standard of living that we have as Americans.

Thomas Jefferson was a technologist as well as a democrat, small-D democrat. Thomas Jefferson, when he retired from his political life, went home to invent gadgets and devices and machines around Monticello, which can be seen even today as visitors visit Monticello. So today it is fitting that we begin this week, the Thomas Jefferson week in the House of Representatives, recognizing that on Thursday of this week, there will be a vote on the floor of the House of Representatives, this body, that will make the difference as to whether America remains the technological leader of the world or whether we will gut our patent system and open up this country to the greatest theft of its genius and creativity that the world has ever seen.

Yes, on Thursday, there will be a vote that will make the difference in the standard of living of future generations of Americans and not only our economic well-being but the security of our country as well. What is fascinating is that most Americans have no idea that this issue is coming to a vote. In fact, half or more of the Members of Congress do not know the issue will be coming to a vote. Yet it will come to a vote, the skids have been greased, the legislation is coming forward, and it will be voted on on Thursday whether or not the Members are fully aware of how their constituents believe. But what they will be aware of is the lobbyists for multinational corporations who are knocking on their door telling them how important it is to pass said legislation on America's patent system.

How fitting for Jefferson's week that we will be at a turning point because, if we vote the wrong way, if we permit the gutting of our patent system, America's technological lead will evaporate in the next 20 years; and Americans 20 years hence, the children of today, will never know what happened to their standard of living.

I call it Pearl Harbor in slow motion. What will happen is that foreigners who have long looked at America's technological genius with envious eyes will at last have the legal opportunity to steal American technology and to use it against us because we are changing the patent system that has protected Americans for over 200 years in a way that guts the protection of the little guy, the little guys like Thomas Edison, like Alexander Graham Bell, like the Wright Brothers.

The word has not gotten out because there is a blackout in the mainstream media that this bill will be coming forward. In fact, there was one article in the New York Times, and that is all I have seen among the networks and among the major newspapers of this country, one small article and no articles leading up to this great momentous decision that will be made.

Someone does not want the public to know the decision that will be made here on Thursday. The American people would be left totally in the dark if it was not for talk show radio hosts like Michael Reagan and others who have been spreading the word and warning the people, like modern-day Paul Reveres, telling the American people to wake up or they will lose their freedom.

We will be making this decision on Thursday. If the American people remain in the dark, a decision will be made that will harm their children. As I say, their children will think, did we not used to have the technological lead? Were we not always the leaders? Did we not put a man on the moon? Were we not the ones, why was it that our fathers and grandfathers could outcompete all these countries with cheap labor and now we cannot do it anymore?

They will never know. It will never be traced back to a vote here on the floor of the House of Representatives on the week that we celebrate Thomas Jefferson's birthday in the year 1997. They will not even think about it because patent law and many of the laws that protect our rights and have been responsible for this great land of liberty and opportunity that we enjoy today, many of those laws are taken for granted. Freedom, people have said, is like the air; you take it for granted until it is denied. The moment you are denied the right to breathe air, you will realize that breathing air is the most important thing in your life because everything else disappears without it. But yet we take it for granted because it is abundant and all around us.

So, too, with America's freedom, so, too, with the legal protections that have permitted the people of the United States by and large, millions of us, tens of millions, hundreds of millions of us to live lives of dignity and opportunity, lives that are the dream of people throughout the planet and over the ages.

Yet that will be threatened because the legal basis that protected America's rights is being eroded, the legal basis is being eroded. It is being eroded bit by bit by people who have good motives. They say that we live in a world that is far different than the world of Thomas Jefferson, far different than the world of Teddy Roosevelt, far different than the world of Dwight Eisenhower and Ronald Reagan.

□ 1415

They say now we live in a world where we have to accommodate the changes by creating a global economy. These individuals, who are very well-intended, believe that by creating a global economy that we can perfect the planet, or at least near perfect the planet.

I say to my fellow Americans today and my colleagues in the House of Representatives, ''Lord, protect us from those who would perfect mankind.'' Because, in the end, they always threaten the rights and freedoms of the American people.

I do not care if they were Communists, I do not care if they were Fascists, I do not care who they are or what they are, if they will superimpose an ideal world upon the American people with no reflection on our constitutional rights, we will see a diminishing of our rights and we will see a decline in our standard of living.

Mr. Speaker, the vote that is coming up on Thursday will be a vote on H.R. 400, which has already passed committee, both the subcommittee and the committee. Yet the American people have no idea that this great gutting of our patent system is on the way to the floor and what repercussions it will have on the standard of living of the American people, of their children and their children's children.

I have a piece of legislation that will be granted the right to be offered as a substitute to H.R. 400. I call H.R. 400 the Steal American Technology Act. My bill, H.R. 811, and its companion bill, 812, will be offered as a substitute to H.R. 400.

The issues are clear and simple. However, the American people have been denied the right to hear those issues. They have been denied the right to a public debate by a media elite that has put a blanket over this issue.

Perhaps the media believes that patriotism and loyalty to one's country

and fellow countrymen is old-fashioned. Perhaps they believe that it will hinder the development of a global economy, which will benefit all the people in the world. I do not know what the motive is, but I will say this much; that this is a crucial vote in our history, and unless the American people become part of the process and contact their Representative in Washington, DC, this vote will be lost and the American people will never know what hit them.

Here are the central issues. When we ask our colleagues why they support H.R. 400, they will say that there are numerous reasons they support H.R. 400. H.R. 400 officially is called the 21st Century Patent Reform Act. The 21st Century Patent Reform Act. That is what they will say; that there are lots of reforms.

It is like a bouquet of flowers that is being handed to the American people: Look at all of these reforms. And I will have to admit when I look at the flowers in the bouquet I am very supportive. In fact, my alternative substitute for H.R. 400 will contain all the flowers that are in H.R. 400. We have taken from the bill all of the good points of that bill, and that is all the authors want to talk about.

That was not the original title of H.R. 400. I call H.R. 400 the Steal American Technologies Act, but that is my title. The title they are going by now officially is the 21st Century Patent Reform Act. What was the original title of H.R. 400 when it was introduced over a year ago in the House of Representatives? The title then was the Patent Publication Act.

Well, why have they changed the name? Why has the name changed? The name has changed because in those flowers that I talked about in the bouquet are poisonous snakes. Poisonous snakes. If we only look at the flowers and we take the bouquet home, the snakes will bite our family and children and will destroy us. And the worst of all of the snakes is a snake called publication, which is the central purpose of the bill. That is why H.R. 400 was called formerly the Patent Publication Act, because the purpose of the bill is to establish a rule about publication.

For those who have not heard what this rule is, it is dramatic, it is revulsive, it is something that will shock one's sensitivities, because no one will believe that serious people are proposing that this become the law of the land in the United States of America.

What I am talking about is the main provision of H.R. 400, the provision that mandates that every American inventor who applies for a patent, that after 18 months that patent application will be published for the entire world to see whether or not the patent has been issued.

To tell my colleagues how different this is, from the founding of our country and the Constitution of the United States, from the moment that was affirmed and made the law of the land until today, Americans have had a right of confidentiality. An American inventor who applied for a patent would know that until that patent was issued no one else could know about what his application dealt with. No one would be given the details. He and his investors, he or she and their investors would be protected from their competition and from thieves.

H.R. 400 dramatically changes the fundamental law of the land to permit every thief in the world, every copycat, every individual and organization that despises the United States of America to have possession of every one of our intellectual and technological secrets so that they may use those secrets and that technology against the interests of the people of the United States of America.

There are all kinds of reasons that we will hear from the proponents of this bill as to why it is so important for our big businesses, our big businesses, to have knowledge of what is being investigated and researched by different inventors and that will give them a heads-up on what our inventors are up to.

Yes, that will give our own businessmen a heads-up, and then those huge corporations can steal from the little guy as well, just like multinational corporations. More importantly, it will permit multinational and foreign corporations to have that same information to go into production and to use the profits from producing their stolen technology to defeat and destroy American technologists in the court, using our own resources against us.

Now, why are people doing this? Again, they will say they have some sort of motive that makes sense, and sometimes it is hard to understand, but let me show everyone the real reason. What we have here, my fellow colleagues, people of the United States, and I will put this into the RECORD for another time, this is a copy of an agreement that was signed on January 20, 1994. The signatories are the head of the United States Patent Office, Bruce Lehman, and his Japanese counterpart. This is an agreement by the head of our Patent Office to harmonize American law with that of Japan's. That is the real purpose behind this legislation.

Why do we want to change our patent law so that it discloses all of this secret information, all of our technological secrets to our adversaries? Because we have an agreement to harmonize our law. Did anyone ever pass on that agreement? Did someone acknowledge this agreement on the floor of the House or the U.S. Senate? Absolutely not. But then we turn around and we have people trying to put this into law without telling us what it is really all about. Bruce Lehman had no power to make this agreement, but we can be tricked into fulfilling the obligations set out by this unelected official from the United States.

To put things into perspective, harmonization of law with Japan may be a good thing, if they are bringing their standards up to ours. But Bruce Lehman, as is clear by this document, has set out, along with his supporters in the administration and in the corporate community, to bring down the protections of American law to the level of Japan. That is harmonization. That, ladies and gentlemen, is a formula for catastrophe and disaster for the people of the United States of America. That is a formula that will permit the economic shoguns and the tyrants who rule the Japanese economy and brutally suppress anyone who threatens their interests, it will permit those power elites in Japan, who have beaten down their own people, to come to the United States and beat down our people because now we have changed our legal protections to harmonize with Japan's.

Why should they not come here and steal our technology? Why should they not try to beat us down and destroy the standard of living of the American people in order to put cash in their own pockets? Why should they not when the American Congress is willing to change the law to permit them to do it?

It is not shame on the Japanese. The Japanese Government is simply watching out for the interests of Japanese people and the special interests who hold power in Japan. It is not shame on Japan. It is shame on those people who would decrease the legal protection of the people of the United States in order to harmonize our law; those people who would risk our standard of living and the technological advances that have kept us the envy of the world, who now have a global picture in mind and think that having the American people, a people guaranteed certain rights and freedoms and opportunities that do not exist in other parts of the planet, that that has become some sort of passe goal for American leaders.

If it was not for the United States of America, there would be no freedom and no hope anywhere in the world. Yes, I think it is nice that we should try to help others and we should try to help establish situations where trade and commerce flourish. I believe in free trade. But I believe in free trade between free people. I believe first and foremost, when our negotiators sit down at the table they should not be thinking about some idealistic goal that is a dream goal of a unitary planet where commerce is flowing freely and that everyone is benefitted, but when they sit down at the table they should be representing the interests of the people of the United States.

There is nothing wrong with that. We should make no apologies for that. The American people have borne the burden of war and borne the burden of aid to other countries. We have been the most generous people in the world, but we should not be generous with our technology and permit others to steal it in order to use it against us.

Yes, there will be a price to pay. Not only our economic adversaries will be stealing this technology, but so will potential foreign policy and military adversaries. The Americans won the cold war not because we matched the potential Communist enemy man-for-man. It was when Ronald Reagan expanded the technological capabilities of our military that broke the will of the Communist bosses in Moscow and led to a more peaceful world.

Today we have a great opportunity to lead mankind into a more peaceful world, but we will not do it by lowering the protections that have afforded Americans the highest standard of living and the rights of opportunity and freedom that were unknown in other parts.

Yes, the Chinese, not just the Japanese, and other American competitors are ready and waiting with their Xerox machines and their fax machines for this Congress to pass this rule that will mandate every one of our technological secrets to become public information even before the patent is issued.

We are told, well, we are giving the right of people to sue some corporate entity if the corporate entity steals their patent after it has been published after 18 months. To put this in perspective, often it takes years for a patent of significance to issue, sometimes 5 and 10 years. Thus, we are saying to our people we are going to expose all of your secret information, all the work that you have done to your adversaries, who can then use it, and then once the patent is issued, let us say 5 or 10 years later, after they have been in production of your idea, of your technology, we are giving you the right to sue them.

This is asking smaller American companies or even individual Americans to sue huge U.S., huge foreign, and multinational corporations. Talk about a fantasy. This is an absolute fantasy that that means anything. That has absolutely no relevance. It is setting up a situation where there will be theft and no recourse because the Americans will not have the money to go out and file these suits against huge foreign corporations, especially if those huge corporations happen to be the People's Liberation Army of China, which is currently stealing much of our intellectual property.

□ 1430

Let us put this in perspective as well. The Wright brothers, people who we are so proud of. We are proud of the Wright brothers. Go down to Kitty Hawk, NC, and see where two Americans, with little education, who worked at a bicycle shop, had a dream, had a dream of inventing a machine that would permit mankind to soar through the air. And people all over the world who had tried before them failed, yet they persevered, and they tried and they failed and they came back to try again. And there on the windy slopes on the coastline of Kitty Hawk, NC, in 1903, less than 100 years ago, mankind ascended into the sky with powered flight for the first time, and the lives of the American people and the people of the world were changed forever, because they had discovered the secret of the shape of the wing and the aerodynamics of an airplane. And under the new system that is being decided on Thursday, if it passes, the Wright brothers' secret would be made public for everyone in the world to know the secret before the patent was issued, and you can bet that Mitsubishi Corp. in Japan, which made airplanes during World War II to shoot down Americans and destroy Americans, that that corporation would have used the Wright brothers' patent information to build aircraft, and today the American people would say, well, I wonder why Japan is always ahead of us. How come they are always ahead of us? Like for example, how come we have to buy all of our jet airplanes from Japan? They would never know that if it was not for this type of legislation that America would have a strong aerospace industry, that we would have hundreds of thousands of jobs, high-paying, good jobs, manufacturing jet aircraft, except for the fact that we changed the law and the Japanese were able to steal the technology and go into production. Yes, that is how much difference it will make in the future for America, but they will never know what hit them.

This law, H.R. 400, is the worst piece of legislation that I have seen as a Member of Congress. It is also perhaps the piece of legislation that has been attempted to be passed through this body in the most insidious manner that I have seen during my time in Congress. This agreement with the Japanese in 1994 has two main provisions. One we are talking, is the publication, and the other one happens to be the changing of another fundamental in our patent system called the guaranteed patent term.

Americans do not even know this. But right now they have already lost that right. Up until 3 years ago, until from the time of the founding of our country, that any inventor in the United States had a right to a guaranteed patent term. That patent term would be the same no matter how long it took the patent to be issued from the bureaucracy, from the Patent Office. Well, that was what our Founding Fathers had in mind, because no matter how long it took that patent to issue after someone applied for a patent, he had, or she had, 17 years of guaranteed protection. That is called the guaranteed patent term. You would have a guaranteed term of 17 years. Again to model the Japanese system, that was replaced 3 years ago. The American people do not even know they have lost that right and it has been replaced by a system that is the Japanese system. The Japanese system, by the way, is when someone applies for a patent, the clock starts ticking, but it is ticking against the inventor and 20 years later you have no more patent rights. And during that 20 years, if the bureaucracy is slow or you have powerful interests trying to slow up the issuance of your patent, you are losing every second. That is why in Japan they never invent anything, because in reality the inventors do not have a guaranteed patent term. They have something that is uncertain and people do not invest in new technology, they invest in stealing other people's ideas.

We have already changed that. That change was made not by an up-and-down vote here on the floor of the House, that change was made when some bright person, and I do not know who that person was, decided to get around the democratic process in the United States, meaning let us not let the elected representatives of the people of the United States vote on this fundamental change in our patent law. Instead, this provision was stuck into the GATT implementation legislation. GATT was an agreement on trade and tariffs between a multitude of countries around the world. We gave our President fast-track authority which permitted him to make the agreement and then when he brought it back to the House floor, that we would have 50 days to look at it but only those things that were required by GATT were supposed to be in that legislation. This was not required by GATT. This change in our patent law was not required by GATT. Yet it was put into the GATT implementation legislation. Why was that? Because some bright person, I do not know who it was, decided that bypassing the democratic process where we would get an up-and-down vote on this did not make any difference. So Members of Congress were faced with voting against the entire world trading system or accepting this change in the patent law, and what was the purpose of that, what I consider to be an underhanded maneuver? It was to fulfill our agreement, an agreement made between two unelected officials, but especially the official representing us was unelected, in Japan. If we let unelected officials go to Japan and let them bargain away our rights as Americans and then come back here and sneak the provisions of those agreements into other pieces of legislation, our standard of living and our freedom are in jeopardy. That is why I am making such a big deal about this vote that is coming up on Thursday. It is a threat to our national security. It is a threat to the well-being of average Americans. There has never been a vote in this body that I have seen in my 8 years as a Member of the House that is more of a little guy versus big guy vote. In fact, there is bipartisan support of H.R. 400, the Steal American Technologies Act, but there is also bipartisan support for my substitute, the Rohrabacher substitute, H.R. 811 and 812. DAVID BONIOR, MARCY KAPTUR, CYNTHIA MCKINNEY, you name it, we have got some very strong, active, liberal Democrats and we have got some

conservative, active Republicans, but it all comes down to the little guy versus the big guy. Our corporate interests in the United States of America, the big corporations, have decided that they would be cutting deals with their multinational brothers and sisters, and the foreign corporations have decided it is time to end America's patent system as it has been since the founding of our country, and we are in the process of seeing that go down if H.R. 400 passes.

I have told you the main aspect of H.R. 400 has been publication. But there are other aspects of H.R. 400 which I call other poisonous snakes in the bouquet. And when you ask someone about H.R. 400 and they say they are in favor of H.R. 400 and then want to talk about the little flowers, tell them you do not want to talk about the flowers, you want to talk about the poisonous snakes. Everybody is in favor of the flowers. And the first poisonous snake is the publication, mandatory publication. Is someone in favor of publishing for the world all of our secrets?

That is No. 1. But the second item, the second poisonous snake, it is called reexamination.

When our patents are issued to Americans, those patents are your property. You then own a piece of property for a given period of time. It is like someone giving you a deed. There has only been one way to challenge that deed, and that is if someone can prove that that person actually invented the invention first and that the Patent Office was wrong, that they invented it first. But H.R. 400, on the other hand, does what? H.R. 400 opens up for reexamination America's current patents, so not only are they putting in jeopardy all of our future technology, they are also putting at risk all of our current technology that is patented. William Banner, former U.S. Commissioner of Patents and Trademarks, calls attention to the fact in this bill in terms of publishing patent applications, and it will permit those applications to be subject to reexamination prior to any patent issuance as well as after the issuance. So what we have got here is the experts now are telling us, this bill permits reexamination of current patents and examination of those patents that are in the process, reexamination within the process.

What we have got is a lawyers heaven. We have opened up for litigation. All of our patent rights are now on the legal block. You can bet that when a foreign company decides that they want to use American technology, and it has been patented already, that company is going to say, well, should we sue this American company and tie them up or should we just pay them royalties? They are not going to go for the royalties. They are going to say, let us tie them up, let us put them through the grinder and if this company does not have the money or if this small group of American inventors do not have the money to basically protect themselves in court, then the foreign corporation will win. That is on current patents. That is currently the patents that exist.

This bill, H.R. 400, is an invitation to every thief in the world, every powerful interest in the world to come and take on the American people and to steal our technology. People say, well, how can anybody support this? Well, this same gentleman who signed this agreement is still the head of our Patent Office, Bruce Lehman. Last year he proposed, guess what? Mr. Lehman proposed last year that we give the entire data base of our Patent Office, that we put it on disks, on these computer disks, the entire data base for our Patent Office and give it to the Red Chinese. I know there are some people right now just falling out of their seats and they cannot believe that anyone would ever do that. When he was asked, why would we ever want to do that, his answer was, ''Well, we've got to tell them what not to steal, and we can give a little message, here's what not to steal.'' Well, that is very close to sending the world's worst crime syndicates the combinations of every safe in the United States of America and say, By the way, we would hope that you don't steal and use these combinations to the safes in the United States of America to steal American money.

We are sending you this so you will know what not to do. Give me a break. What is going on here? Something is going on here. It is called the harmonization of law that has nothing to do with the best interests of the people of the United States.

Something else, another poisonous snake in H.R. 400, the bill that will be voted here on Thursday, celebrating Jefferson's birthday, the birthday week of Thomas Jefferson, we will vote, and a poisonous snake in the bouquet of H.R. 400, another one, is that the Patent Office that is written into our Constitution, in our Constitution is written a provision that establishes a Patent Office. We can thank Tom Jefferson, we can thank Ben Franklin, we can thank our forefathers and mothers who saw well beyond the years of 1789 and knew that this would be important to our country, that we would actually establish in our Government a means of protecting the new genius of our people and that people would come from all over the world to participate in this, the American dream. But do you know what H.R. 400 does to the Patent Office? It obliterates the Patent Office. It eliminates the Patent Office as part of the U.S. Government. It corporatizes the Patent Office. Corporatizes. What does that mean? Well, I am not sure exactly what it means. It turns the Patent Office, which has been part of our Government, into sort of a quasi-private, quasi-government corporation that is sort of like the Post Office. To put it in perspective, our Patent Office has functioned for over 200 years and there has never been a scandal in which the patent examiners, the men and women who make the decision as to who owns these technologies, decisions that are worth billions of dollars, decisions that will mean whether or not we will have a high standard of living, whether or not the flow of wealth will come in the direction of the United States, or will pour out of the United States into other countries and into the coffers and bank accounts of other interests in the world, these patent examiners have never, ever had a scandal in which their veracity and their integrity was called and that they had failed us as Americans.

□ 1425

They have always worked hard and diligently, and it is a tough job. Now these people who have been protected as civil servants from outside influences because they were part of the U.S. Government, these civil servants, who we can thank for doing a good job, are now going to be put under a new structure that will not be part of the U.S. Government officially, but instead will be a corporatized entity, a corporatized entity.

Now what kind of influences will be put on people who work for a new corporatized entity? Will they be protected from the outside?

Well, for one thing, the patent bill suggests that this new corporate entity, this H.R. 400, says that it may, if you want to listen to this, that H.R. 400 says that this new corporate entity ''may accept monetary gifts or donations of services or of real personal and mixed property in order to carry out the function of the office.'' In other words, this new corporate entity will be able to receive gifts from big foreign corporations or special interests from here and abroad.

Do you think that would have some impact on the way we do business, in the way that people make decisions as to who owns what property and what patents are issued? Well, it might, it might not, but we are opening the door. This is not a door that we want to open to poisonous snakes.

And then, of course, the opposition says, well, Government agencies, Government agencies, can already accept gifts. Well, that is true. That is true, and you will hear that rebuttal from the proponents from most people who are supporting H.R. 400.

My colleagues, when you hear that rebuttal, keep in mind that that is half the story. The other half of the story, when you can accept gifts, is that what can you do with those gifts?

Currently anybody who gives a gift to a Government agency or department, well, those gifts now basically have to go through the Federal property and administrative services, and they basically, what you have got to do, other people, other Government agencies who are set up to handle these gifts, determine what happens to the gifts, and they basically go, and they

become Federal property for the overall Federal Government.

What we are doing with this legislation is exempting this new corporatized Patent Office from that requirement. Thus, they will be able to accept gifts and use it for the Patent Office as determined by the directors of the Patent Office. Do you think that will influence anybody?

So anybody who says do not worry about it, every Government agency has this same type of right to accept gifts, remember that person is trying to deceive you because they know darn well that currently those gifts and the gifts of other agencies are well controlled by the Federal Government, and their insurance is to make sure that does not influence those decision makers in those departments and agencies and that this new corporate entity is exempt, exempt from that type of safeguard.

Also, I might add that the new corporate entity has a right to borrow money on the U.S. taxpayers. That is correct. This new corporation, this new corporation that will come into existence, the patent corporation, who will be deciding on our future rights as Americans, have a right to borrow money and to issue bonds. H.R. 400 transforms an agency now fully funded by user fees to one that can borrow and incur debt.

Last year Patent Commissioner Bruce Lehman stated that he would seek—now get this—Bruce Lehman has already stated for the record that he would seek to borrow $2 billion, citing priorities like a new headquarters for the corporate structure; $2 billion added to our national debt. That debt is our debt. That debt, if this new corporation does not pay it back, becomes the responsibility of the American taxpayers.

Oh, my gosh. Oh, my gosh. Can you imagine? We have got a corporate entity out there, somewhat independent, who now can borrow against, and we are responsible to pay it back. We got somebody who believes they are going to build, they are going to spend billions of dollars on new offices, and you can bet when this Mr. Lehman buys his office that he is going to want it to be pretty plush, and I have not seen the plan, but I bet you there will be more marble in this new patent building, especially on his floor that he has for his offices, than one can ever imagine, and I am sure there will be lots of gold trim, too, because why not? They are going to borrow from the taxpayers, and we have got a limited right to step in and make sure that we have oversight, they have limited oversight, as compared to today where we have just the same oversight as any other Government agency.

So, we have this decision coming up on Thursday. We have all of these poisonous snakes about to be unleashed on the American people. The seed corn of American prosperity is about to be given away because that is the seed corn of America's crops in the future, that is our ideas in this era of ideas, and we have got the mainstream media with a total blackout, almost a total blackout on this issue, we have got talk show hosts all over the country talking about it because they have been informed, and they are running with it and going directly to the American people.

How will the vote turn out? How will the vote turn out? It could go in either direction. Something as important to the future of our country, to the well-being of our children, something that goes to the heart of our system, is going to be decided, and it can go either way, and you have got people here who delightfully will say the biggest employer in my district wants me to support this bill and that is what I am going to do, and that is what a lot of Congressmen are basing their opinion on, the largest employer in their district.

So let us talk about the dynamics of why we have ads being placed in the Roll Call magazine by America's largest corporations trying to foist off on the American people this gutting of America's patent system. Why is that? What are the dynamics involved?

Well, first and foremost I believe that our own multinational and domestic corporations who sometimes have interlocking directorates with other corporations from other countries, I might add, first and foremost they do not want to pay royalties to inventors either. So they would just as soon wipe out what they consider an antiquated protection of American technologies because it is just too much. Of course, these same corporations would invest in Adolf Hitler's Germany in order to make a 20-percent profit, just like they are investing all of the money now in Communist China in order to make a 20-percent profit rather than creating jobs in the United States of America for American workers because they would rather do that even though it is a dictatorship than to invest over here because over here their return of their investment is maybe 10 percent a year, and over there it might be 20 or 25 percent.

Well, that is one reason. They want to make more money, they do not want to pay royalties, and they do not care about the people of the United States, and they especially do not care about these little nerd inventors, which is what they think of inventors.

Well, another reason huge corporations get together and put ads in Roll Call, and I might add huge corporations, foreign and domestic, hire lobbyists, an army of lobbyists, to knock on the doors of each and every Member of Congress to try to get them to vote in this way is because they like the status quo, they like the status quo, and there is nothing that distorts the status quo as much as someone coming up with a new technological innovation. And they want to control, they want to control growth and progress in the United States, so that their investment in all of this new equipment and all of their corporate structures that are based on current technology, they do not want to put that technology at risk. They would rather us stay exactly the way we are because then their capital investment does not have to be remade. But these small inventors who come up—you know some guy who comes up; by the way, I have got an invention that can do that very same thing and will only cost a dollar as compared to $200 that you are charging for what you do currently. Do you think a corporate leader wants to hear that? They do not want to hear that. They want that guy to go away. They do not want the American people to have a cheaper widget. They do not have a cheaper refrigeration system. They do not want to have something that develops that makes our life better, but we do not have to pay as much money to some big corporation for making it for us.

The fact is that the corporate leaders today are not the innovators of the world, they are not the people, the Alexander Graham Bells; they are not the Thomas Edisons. They are people who got educations in corporate management at big elitist schools, and they do not care about the people of the United States, and they do not want their elite position challenged. They want to control what happens in our country for their benefit, and they do not want new innovations coming out that could so stir up things that it makes their current investments meaningless.

That is a big motive for what is going on right now with H.R. 400. That is one of the reasons that we have H.R. 400 before us today, because there are powerful interests who do not—do not respect the will, nor do they consider themselves to be Americans and watching out for the interest of Americans. They are watching out for their bank account. And what effect will this have if we let those people, those elitists move forward? How will it impact us? How will it impact the average American?

I have had calls from all over the United States, all over the United States from inventors and from small companies, small businesses who are trying to develop new things. Just last night I was talking to a person who owns a small company in my own congressional district, and they told me, and I will not go into great detail about it, but about a process that will absolutely prevent, and I should not say ''absolutely'' so often that will prevent meat from being contaminated, and when it is contaminated, it will alert the consumer so that never again will we have to worry about getting bad meat and different bacteria in the meat, and it would be very low cost, and it will just spread across America, and it is a marvelous idea, and do you know that he has been waiting for his patent for over 2 years, and if this system was in place, the system they are trying to foist on us, his information

that he used to—he used, you know, hundreds of thousands of dollars in time and investment to develop this new technology. It would have been published, all of his people all over the world would already have known about it, his competitors, and he would never ever get any return on it. So why should he even try in the first place? That system would never emerge because no one would have the profit motive to come up to try to invent it.

Then of course we have got letters from a person who is trying to act like—talk to this person as well who has developed a way of debugging not only buildings, but crop land without the use of chemicals. We are poisoning our homes and poisoning our environment and poisoning our land in order to get rid of bugs that are eating our crops. This person has a new technology that will eliminate these bugs, kill them without the use of poisons, without the use of chemicals. Yet he says to me, ''I'm afraid to write up a patent application because if it takes 15 years or 5 years or 10 years for me to get my patent issued, all of the foreigners will steal my idea, and I'll never get any benefit from it.''

Someone wrote me and said ''I need a new system to try to detect breast cancer.''

Now these are things we do not think of, breast cancer, or meat spoilage, bugs that are being killed. These are little things that just slip by, but they make all the difference in the world to what our standard of living is, what kind of land that we will be in, whether or not we will—all of our food will be eaten by bugs or rodents or things like that, or we have to poison ourselves with chemicals to get rid of that problem.

□ 1500

These problems can be solved if we keep the door of technological progress open. This will slam the door in the face of these people. They know it. They are writing and calling every day saying, I cannot see a future and I will never move forward with my invention if these laws are in place.

The American people will suffer, and they will never know what hit them. They will never know that there was equipment to debug their homes without chemicals. They will never know about it in the future. Their children will be sick and their grandparents will be sick from the fumes, and our food will have the chemicals in it. They will never know there was an alternative, because the inventors could not apply for a patent without the worry of having it stolen from them.

Mr. Speaker, I had a man in my office when this was going to the committee, he ran a small solar energy company. And as I told him what was going on, his face became red and he was pounding on the table. He said, Mr. Congressman, if that bill passes, I have put millions of dollars in trying to invent this method of improving the amount of electricity that comes out of solar energy. If they publish my patent, the Japanese will be in production of what I have invested my whole life in; they will be in production and they will be using the money that they are making from my technology to steal my technology from me legally in the court system once my patent is issued.

Mr. Speaker, this is wrong. This is wrong. It is going to hurt America. It is coming to a vote, and it is sliding right through the process. H.R. 400 will come to a floor vote on Thursday. There is an army of lobbyists contacting Members of Congress, paid for by multinational corporations and by huge American corporations.

Members of Congress need to talk to their constituents and the constituents need to talk to their Member of Congress. That is the way America will be saved. That is the way America has always been saved, not by some top dog somewhere making some decision.

During the American Revolution when Thomas Jefferson was writing the Declaration of Independence, a third of the colonists were supporting the British. They were basically people who were of the elite classes. Throughout our history, when American freedom was in jeopardy, it was the American people themselves and not our corporate elite and not our business executives, and not the big, important, handsome, and beautiful people that stepped forward. But it was those average Americans, average you and me type people, who saved the day, who charged up San Juan Hill with Teddy Roosevelt, who fought with the 69th Regiment, the Irish Regiment at Gettysburg, who fought the American Revolution, and afterwards saw that they did not get anything from it, and those same Tories came back who had supported the British and made all kinds of money by speculating on currency, on continental currency.

But I believe in the American people. I know that they will meet the challenges. They will keep our country free. When we celebrate Thomas Jefferson's birthday, and his birthday week, we will hold that torch high, because that is our job. It is not the job of Government. It is not the job of the other guy. It is the job of every human being who believes in liberty and believes our country must maintain the standards of justice and decency and the legal protection of individual rights far beyond those of any other country on this planet. Of that we can be proud.

Mr. Speaker, as long as we have that kind of commitment, America will remain that dream, that hope for all mankind. And we will lead the rest of the world into a new era when other people do have more opportunities, because we will maintain our standards, rather than trying to bring our standards down to those of other countries.

I am confident that we have a chance to win, but I am warning the people now. I am ringing the alarm bell. The people of this country have to step forward. I know they will.

Mr. Speaker, I include for the RECORD the document entitled ''Mutual Understanding Between the Japanese Patent Office and the United States Patent and Trademark Office''.

The material referred to is as follows:

JANUARY 20, 1994.

MUTUAL UNDERSTANDING BETWEEN THE JAPANESE PATENT OFFICE AND THE UNITED STATES PATENT AND TRADEMARK OFFICE

Actions to be taken by Japan:

1. By July 1, 1995, the Japanese Patent Office (JPO) will permit foreign nationals to file patent applications in the English language, with a translation into Japanese to follow within two months.

2. Prior to the grant of a patent, the JPO will permit the correction of translation errors up the time allowed for the reply to the first substantive communication from the JPO.

3. After the grant of a patent, the JPO will permit the correction of translation errors to the extent that the correction does not substantially extend the scope of protection.

4. Appropriate fees may be charged by the JPO for the above procedures.

Actions to be taken by the U.S.:

1. By June 1, 1994, the United States Patent and Trademark Office (USPTO) will introduce legislation to amend U.S. patent law to change the term of patents from 17 years from the date of grant of a patent for an invention to 20 years from the date of filing of the first complete application.

2. The legislation that the USPTO will introduce shall take effect six months from the date of enactment and shall apply to all applications filed in the United States thereafter.

3. Paragraph 2 requires that the term of all continuing applications (continuations, continuations-in-part and divisionals), filed six months after enactment of the above legislation, be counted from the filing date of the earliest-filed of any applications invoked under 35 U.S.C. 120.

WATARU ASOU,
Commissioner, Japanese Patent Office.

BRUCE A. LEHMAN,
Assistant Secretary of Commerce, and Commissioner of Patents and Trademarks, United States Patent and Trademark Office.

THOSE WHO WOULD AMEND THE CONSTITUTION ARE REVOLUTIONARIES, NOT CONSERVATIVES

The SPEAKER pro tempore (Mr. PEASE). Under the Speaker's announced policy of January 7, 1997, the gentleman from North Carolina [Mr. WATT] is recognized for 60 minutes as the designee of the minority leader.

Mr. WATT of North Carolina. Mr. Speaker, I do not think my colleague, the gentleman from California [Mr. ROHRABACHER], could have set the table any better for my comments, because I, too, am here today to speak on behalf of the American people, and some of the principles for which the American people fought many years ago in the establishment of this country.

This is a first for me. This is my third term in Congress. I am in my 5th

year. I have never, ever requested an hour to address my colleagues or anyone in a special order. But I come today with such a firm belief that what we are about to do in this House on tomorrow, the issue that we are about to consider, which would require a two-thirds vote in this House for the passage of a bill which had the effect of increasing taxes, is so inconsistent with every single principle that is near and dear to me, and should be near and dear to the American people, that I asked for this time today.

The American people will probably remember this debate from a year ago. On April 15, 1996, the Republican leadership brought a bill to this body that was essentially identical to this bill. It would have required a two-thirds majority to increase taxes. That bill was resoundingly defeated, bipartisanly defeated, and so one wonders initially, why would the bill be back again tomorrow, on April 15, 1997, a bill that lost 243 to 177 last time? Why would it be back again?

Mr. Speaker, my Republican colleagues I believe are trying to convince the public that they are doing something that is in their interest, and on tax day they are trying to fan some flames and get some political benefits. But the American people should not be fooled by this.

Mr. Speaker, my colleagues tomorrow who bring this bill will say, we bring it to do a favor for the American people. We bring it as a conservative initiative to counteract those liberals who would raise taxes on the American people.

I want to reflect back, at the outset of my comments, to comments made by President Abraham Lincoln on February 27, 1860. This is what he said. I am quoting him directly:

> But you say you are conservative, imminently conservative, while we are revolutionary, destructive, or something of the sort. What is conservatism? Is it not adherence to the old and tried, against the new and untried? We stick to, contend for, the identical old policy on the point in controversy which was adopted by our fathers who framed the government under which we live, while you, with one accord, reject and scalp and spit upon that old policy, and insist upon substituting something new.
>
> True, you disagree among yourselves as to what the substitute shall be. You are divided on new propositions and plans, but you are unanimous in rejecting and renouncing the old policy of the fathers of our country.

Amending the Constitution of the United States, Mr. Speaker, is not a conservative notion. It is a revolutionary, a radical notion, and I keep wondering why it is under those circumstances that over and over and over again this new majority, which calls itself a majority of conservatives, brings time after time after time again proposed amendments to the Constitution of the United States of America, in unprecedented numbers.

During the last term of Congress there were 118 constitutional amendments proposed; various permutations, combinations, proposed to this body by this new conservative majority, calling themselves conservatives, attacking the very document which is the basis on which we operate our Government.

In the last Congress we voted on four amendments to the Constitution, the balanced budget amendment, the term limits amendment, the flag desecration amendment, the supermajority for tax increases amendment, the same proposal that will be before the House again tomorrow.

Mr. Speaker, four proposed amendments to the Constitution may not sound like a dramatic number, but 118 proposed amendments were introduced in this body, the great, great, great, great majority of them by my colleagues calling themselves the new conservative majority; in the 104th Congress, the last Congress, proposed amendments 10 times more than any of the prior 10 Congresses, this conservative new majority.

Over the last 10 years, the average number of constitutional amendments introduced and voted on in the House was 1. Look back through our whole history in this country and look at the number of times our basic framework of our democracy has been amended, and here we are again tomorrow with a new constitutional amendment attacking the framework under which our Government and our country operates.

Mr. Speaker, I come with a passion about this issue. I have told my colleagues in this body many times that I believe on constitutional issues I may be the most conservative, maybe the only conservative in this body. I think it is revolutionary to propose a constitutional amendment. It is not conservative.

My colleagues can tell me over and over and over again how conservative they are, but it is not a conservative notion to amend the Constitution of the United States. Yet, over and over again during the last Congress and in this Congress, starting anew, there are a bunch of cavalier Members who believe that they have a better idea about how our country ought to operate than the Founding Fathers of our Nation, whose ideas have stood the test of time; a bunch of radicals calling themselves conservatives, and saying, we have a better idea about how to run this country.

Those are the kinds of people that my colleague, the gentleman from California, was talking about, who are supporting not ordinary citizens who believe in the Constitution under which we operate, but they are supporting a different notion.

Why do I choose this proposed constitutional amendment to come and address? Mr. Speaker, I believe this is the most basic attack on our Constitution of any that were proposed during the last Congress, and any that will be proposed during this Congress.

□ 1515

It goes at the very heart of our democracy. Our democracy is based on majority rule, one person, one vote; every single individual in this country is equally weighted. And to come with a constitutional amendment which says require a two-thirds majority diminishes the value of somebody's vote and enhances the value of somebody else's vote. It is counterdemocratic.

Mr. Speaker, the essence of democracy is majority rule. Lord knows, I have been in a minority my entire life. I have no objection to being in a minority. What I have objection to is some supermajority requirement, because I understand that our democracy is based on majority rule.

Why is majority rule so basic? Go back to our Founding Fathers, Alexander Hamilton, in The Federalist Papers, here is what he said: ''The fundamental maxim of republican government requires that the sense of the majority should prevail.''

That is Alexander Hamilton, majority rule is the basis of our democracy. We litigated for years and years to establish the requirement that each person's vote out in the populace should be equally weighted in the selection of Members of the U.S. House of Representatives. In the cases of Gray versus Sanders and Wesberry versus Sanders, the U.S. Supreme Court specifically articulated that every single individual has an equivalent right to select the Members of this body.

Here is what the court said in Westbury versus Sanders:

> We hold that, construed in its historical context, the command of Article I, Section 2 of the Constitution that representatives be chosen by the people of the several States means that, as nearly as practicable, one man's vote in a congressional election is to be worth as much as another's. To say that a vote is worth more in one district than in another district would not only run counter to our fundamental ideas of democratic government, it would cast aside the principle of a House of Representatives elected by the people, a principle tenaciously fought for and established at the Constitutional Convention.

We spent in 1990 almost $3 billion, and in the year 2000 we will spend another $4 to $5 billion to count every citizen in the United States and reapportion our Government, because we believe in the principle of one person, one vote. We do not count and do a census just for the heck of it. It is the basis of our democracy. It is the basis on which the membership of this House of Representatives is constituted.

We will spend $4 billion in support of that proposition in the year 2000. And guess what? After that census is taken, in order to ensure that one person one vote is appropriately applied, the whole system of districts, congressional districts throughout the country will be reordered. Some States will lose representatives because they have lost population in proportion to other States. Some States will gain population. There will have to be a redrawing of congressional lines all across this country, because we believe in the principle of one person one vote. It is

the basis of majority rule. It is the basis of a democracy.

Now, what happens then when a constitutional amendment is offered that requires a two-thirds vote? What you have said to the American people is, oh, no, we understand that you have the right to be equally represented in the selection of your Representatives, but your Representatives do not have the right to be equally represented in their voting on this issue. That, my friends, is the reason that the number of places in the U.S. Constitution requiring anything other than a majority vote is severely limited, limited to only four instances, four instances: Ratification or consent to a treaty, that is our relationship with an external entity, somebody external to our country so we require a higher level of support for that kind of endeavor; conviction in impeachment trials or expulsion of Members, our relationships internally in this body, we require a higher constitutional requirement; to override a Presidential veto, we require a higher than majority vote because that has to do with the balance of power between the various branches of the Government, and that is the way our Founding Fathers set it up; or passing a constitutional amendment.

That ought to tell us something about what our Founding Fathers thought about willy-nilly, based-on-popularity polls, based on the issue of the day or the thought-of-the-moment thought about amending the Constitution. That ought to tell us something about how serious they were about it. Yet this new conservative majority would have us believe that they are somehow being conservative, attacking the very document that is the basis of our democratic society.

We do not even require a supermajority, anything other than a majority in this House to declare war. Would anybody submit to me that a declaration of war is less important than raising somebody's taxes?

Mr. Speaker, this is a counterdemocratic movement that is being proposed, and it is being brought out here tomorrow onto this floor on April 15, just like it was on April 15 a year ago, not for any substantive purposes but for political purposes.

Well, what do some of our Founding Fathers have to say about this majority rule or supermajority requirement? Listen, if you would, to Alexander Hamilton again, when he debated at the convention this whole notion that there ought to be something other than a majority vote to decide issues. Here is what he said:

> What at first sight may seem a remedy is in reality a poison. To give a minority a negative upon the majority, which is always the case where more than a majority is requisite to a decision, is in its tendency to subject the sense of the greater number to that of the lesser. Its real operation is to embarrass the administration, to destroy the energy of the government, and to substitute the pleasure and caprice of an insignificant, turbulent or corrupt junta.

He called them a junta. Hey, that is a revolutionary term. It is a revolutionary term.

He went on to say,

> This interruption of regular deliberations in decisions of a respectable majority would lead to tedious delays, continual negotiation and intrigue, contemptible compromises of the public good.

Mr. Speaker, those are not my words. Those are Alexander Hamilton's words on the founding of this country about this same kind of notion that is coming to the floor of the House of Representatives tomorrow.

Well, was Alexander Hamilton alone in his contempt for this requirement of something other than majority rule? No, he was not. What about James Madison in The Federalist Papers? It has been said, and I am quoting,

> It has been said that more than a majority ought to have been required for a quorum and in particular cases, if not in all, more than a majority of a quorum for a decision. In all cases where justice or the general good might require new laws to be passed or active measures to be pursued, the fundamental principle of free government would be reversed. It would be no longer the majority that would rule, the power would be transferred to the minority. Were the defense privilege limited to particular cases, an interested minority might take advantage of it to screen themselves from equitable sacrifices to the general will or in particular emergencies to extort unreasonable indulgences.

Those are the words of James Madison on the founding of our country. They are not my words. And yet my colleagues would have us believe that this two-thirds supermajority to raise taxes is just, we are protecting the people of the United States. Well, which people of the United States are they protecting?

□ 1530

Which people are they protecting? I submit that they are not protecting any of us. Because if we truly believe in democracy, then we truly believe in the rule of the majority. And if we need to raise taxes or lower taxes or declare war or take any action that is not already specified in the Constitution as requiring a higher than a majority vote, then we ought be able to do it based on majority rule.

I did not come here to talk about raising taxes or lowering taxes. This is not about the issue that underlies this. This is about the document that is the fabric and basis of our democracy. It is about majority rule. It is about standing up for every single person to have the same right that every other person in this country enjoys. It is about every single representative, each one of us, representing an equivalent number of people in the scheme of our Government, not having his or her vote in this House of Representatives diminished in any measure.

So it is not about taxes. That is not the issue at all. It is about the Constitution of the United States of America. It is about the principles that underlie majority rule and democracy in our country.

Mr. Speaker, this proposal that will come to us tomorrow is not even well drafted. I could not believe that I could pick up a document that proposes to amend the Constitution of the United States and find some of the language that I found in this bill. It says, ''In order to pass a tax increase, you got to have a two-thirds vote if the tax increase is something more than 'de minimis'.''

Who knows what de minimis means? There is not a person in this body who knows what de minimis is. There is no such word in the Constitution of the United States as we speak today. There has never been any definition of what that means.

So this constitutional amendment, this proposed constitutional amendment, were it to pass, would pass that authority to decide what the word ''de minimis'' means to the judicial branch of our government, interrupting, unbalancing the balance of power that has been established between the legislative body and the judicial branch of the Government.

The wording somehow was pulled out of the air for the purposes of this moment so that we could get it to the floor of the House of Representatives on April 15 because everybody is going to be worried about paying their taxes tomorrow.

That is the only reason this bill is coming to the floor tomorrow because my colleagues want the American people to think about this in an emotional fashion. They do not care about the merits of the bill. They do not care that 200 years from now they will have interrupted the most cherished notion of majority rule that our country is based on. They just want to make some political points on April 15, and they think that is the day to make them because people will be incensed about having to pay taxes. And they are going to come here tomorrow and tell the American people that they are trying to do a favor for the American people.

I want to spend just a minute or two, I am not going to take the entire time I have, but I do want to take a few more minutes just to alert my colleagues that this is not about protecting the American people.

Understand that in 1952, corporate income taxes constituted 32 percent of all Federal revenue. By 1992, corporate taxes represented 9 percent of Federal revenue.

Let me repeat that. In 1952, corporate taxes constituted 32 percent of the Federal revenue. By 1992, corporate taxes constituted only 9 percent of Federal revenue.

During that time, we gave major tax breaks to trans, multinational corporations. They can set prices on an intercompany basis, sales and elect whatever country they wanted to pay taxes in. And nobody ever collects any taxes in the United States, so we built in an incentive for them to take our jobs abroad to other places. Represents $12

billion in tax subsidies a year. Pass this constitutional amendment in order to undue that corporate tax welfare; it would take a two-thirds vote.

Do my colleagues really think this is about protecting the American people? This is about imposing more of the burden on the American people.

I am not going to go through all the corporate loopholes and subsidies that we provide to corporations, but it should tell us something, that if over a 40-year period the percentage of income that the Federal Government gets from corporations went down from 32 percent of income to 9 percent of the income, that somebody had to pick up that difference.

Now we are here, my colleagues, telling us that they are conservatives in this body, willing to undermine the basic principle that individual citizens and rights that individual citizens have in this country to have their vote equally counted and equally represented, with a piece of legislation that would require a two-thirds vote now to get rid of any of those corporate tax subsidies. We could not even go after them. Could not do it.

So tell me, my colleagues, whether this is about protecting the individual. Is this about protecting individual citizens of this country? My friends, it is not. What protects individual citizens of this country is being equally valued, being able to cast a vote and know that my vote counts as much as my colleague's vote and my colleague's vote counts as much as the next person's vote.

We go to great pains every 10 years to do a census because we value that notion. We value majority rule. We value one person, one vote, and we should resist as a people any attempt to undermine the value that we place on that notion of majority rule. That is the essence of our democracy.

Mr. Speaker, you may have gathered by now that I feel strongly about this piece of legislation. Not because it has anything to do with taxes. I have been on this floor many times since I have been in this body speaking against proposed amendments to the Constitution of the United States. Were this a two-thirds majority requirement to reduce taxes, I would oppose it. Were it a two-thirds majority requirement to declare war, I would oppose it. Were it a two-thirds majority requirement to declare a war on poverty or to rescind a war on poverty, I would oppose it.

I cannot think of any single thing that I could want a two-thirds majority in this House to have to make law that is not already in the Constitution of the United States. And the reason I feel so strongly about that is because I believe that our country is founded on the notion that we all are equal. The value of our votes are equal, and the value of our Representatives in this body ought to be equal. This proposed constitutional amendment would end that in this instance.

I call on my colleagues to consider the value that our Founding Fathers placed on majority rule. They debated it at length. They did not want a dictatorship. They did not want the value of the wealthy to be greater than the value of the poor. They did not want the value of a person in California to be less than the value of a person in North Carolina. All they wanted was equality. That is all I want.

I urge my colleagues to defeat this proposed constitutional amendment, to preserve and respect the Constitution of the United States.

IT IS IN AMERICA'S INTEREST TO REVOKE CHINA'S MOST-FAVORED-NATION STATUS

The SPEAKER pro tempore (Mr. PEASE). Under the Speaker's announced policy of January 7, 1997, the gentleman from Virginia Mr. WOLF) is recognized for 60 minutes.

Mr. WOLF. Mr. Speaker, I am submitting for the RECORD the op ed piece by Gary Bauer, president of the Family Research Council, which appeared in Sunday's Washington Post, April 13, 1997.

Mr. Bauer, along with a powerful coalition of religious leaders, advocates revoking China's most-favored-nation status, MFN, because of China's worsening human rights record, its continued proliferation of dangerous weapons and technology, its unprecedented military buildup, and its ballooning trade surplus with the United States.

□ 1545

Mr. Bauer writes, and I quote, ''Morality and realism, too often considered the poles of this debate, both now clearly dictate the same course. Unless it changes its ways, China should be disfavored nation in every aspect of foreign policy.''

For Mr. Bauer and the coalition of conservative pro-family organizations and Christian leaders representing some 25 million Americans, the most compelling though not the only reason to revoke China's MFN status is repression of China's religious community. The government views as subversive the estimated 100 million Buddhists, the 17 million Moslems, the 8 million Catholics, and the 30 million Protestants worshiping outside the state-controlled so-called patriotic church system.

The Chinese Government's attacks on the people of faith have intensified since President Clinton delinked trade from human rights in 1994. Last year according to Nina Shea of Freedom House's Puebla Program, Chinese Christians reported that they were experiencing the worst persecution since the pre-Deng era of the 1970's. Shea estimates that China holds more religious prisoners than any other country in the world. Freedom House maintains a list of 200 persons imprisoned for their religious beliefs but estimates the actual numbers are thought to be in the thousands.

Since 1994, Chinese authorities have increased efforts to crack down on all unregistered churches and believers. In January 1994, Premier Li Peng, who was the man who called out the Chinese troops in Tiananmen Square that massacred all those young people, Li Peng promulgated two sets of regulations for registering religious activities. Security forces harass, arrest, beat, and imprison church leaders, impose stiff fines, demolish religious buildings or meeting places, and confiscate Bibles. Chinese authorities have called Protestants ''enemy forces'' and warned that Christianity has become the major threat to the Communist Party.

My office recently obtained a copy of a document released by the Communist Party at Donglai Province on November 20, 1996, outlining procedures for eradicating the underground Catholic church. It calls for ''reeducation,'' ideological struggle sessions, and criminal prosecution of Catholics who are not involved in official churches.

Mr. Speaker, over 100 house church leaders have been arrested and jailed in the first 3 months of 1997, the first 3 months of 1997. And still the Clinton administration wants to grant this regime most-favored-nation trading status. This has been according to Compass Direct, including leaders of the three largest house church networks in Henan Province. Just before the Easter visit to China of Vice President AL GORE and a bipartisan congressional delegation led by Speaker NEWT GINGRICH, authorities raided the Shanghai residence of Catholic Bishop Fan Zhongliang and confiscated his Bibles and other religious materials.

Last year, three evangelicals and one Catholic priest were killed in three separate incidents after receiving severe beatings by the police. Hundreds of Protestant house churches in Shanghai and other provinces have been forcibly closed or demolished, and the popular Catholic shrine at Donglu has been smashed. A number of unregistered Catholic churches in Hebei and Jiangxi have been desecrated, destroyed, or shut down.

And yet they want to give MFN to a country that does this, whose goal is to eradicate the house church, has Catholic bishops and priests in jail, is going after the evangelical Protestant church, have plundered Tibet and expelled the Dalai Lama from Tibet, and are persecuting Moslems in the northwest part of the country. And they want to grant MFN to them.

Mr. Speaker, would these people have wanted to give MFN to the Soviet Union when they were persecuting those of the Jewish faith and shutting down dissidents and doing all the bad things that they were doing? No, no one wanted to give it to them then in the 1980's because of the terrible things they were doing. We used MFN to get dissidents out of jail. Yet they want to give MFN to China when they are doing all these terrible things in the 1990's, in the year 1997.

In Tibet, the Chinese Government continues to plunder the Tibetan Buddhist culture and religion. The arrest, imprisonment, and torture of Tibetan monks and nuns continue unabated. The Chinese Government widened its ban on the photos of the Dalai Lama and contravened the spiritual process for selecting the Dalai Lama's successor, the Panchen Lama. The 6-year-old identified by the Dalai Lama as his successor disappeared in July 1995 and has not been heard of since. He has disappeared because of the activity of the Chinese Government in Tibet. And yet some people say they continue to want to give China most-favored-nation trading status. Only in Washington would that ever be said.

The Chinese Government has also continued its assault on political dissidents. In the words of the State Department's annual human rights report, it says, and I quote, ''All public dissent against the party was effectively silenced by intimidation, exile, the imposition of prison terms, administrative detention or house arrest,'' end quote.

There are no dissidents left outside of prison in China because they are all in prison in China or have been expelled from the country.

Beijing's dictators have stepped up its religious persecution and its punishment of those who advocate democracy. That is a compelling moral reason to revoke MFN, even for those, like myself, who favor free trade.

I quote, ''Turning a blind eye to the torture of fellow believers, winking at forced abortions, and ignoring slave labor camps and summary executions are too high a markup for people who are both economic and social conservatives,'' Bauer argues.

He continues, and I quote, ''all Americans have a historic attachment to the idea of human rights. Jewish leaders, because of the activities on behalf of Soviet Jews in the 1970's and 1980's, have effectively reminded Christians of their responsibility to help their brethren in China. We should have learned through bitter experience that aggressive and despotic regimes that abuse their own people seldom stop there. Soon they rise up to undermine our allies and, ultimately, to threaten us,'' end of quote.

Standing up to dictators is in our long-term national interests. The opposing view is that constructive engagement will bring long-term change we desire in China. But there is not evidence to suggest this approach is working. This engagement policy of MFN every year has been in effect for several years now, and we have seen no improvement, only worsening conditions. And for those who say maybe there is some improvement, talk to the priests and the ministers that are in jail, talk to the bishops that are in jail and ask them if their life has improved.

Mr. Speaker, there is not evidence to suggest this approach is working. To this Mr. Bauer says, and I quote, ''Under the theories of constructive engagement, the past few years of America's demoralized Chinese policy should have produced at least some progress. In fact the regime in Beijing had every incentive to extend some olive branch to human rights issues. That it has chosen the opposite course should strike the advocates of cooperation as galling. But they are not easily galled,'' end of quote.

The business community continues to convince the Clinton administration to hold the Sino-American relationship hostage to American business interests. The Clinton administration hopes that China will become a modern civilized nation only when it is offered full membership in the community of nations.

''Today,'' and this is a quote, ''Beijing continues to maintain a giant gulag of extra-judicial forced-labor camps called laogai. The cadres continue to impose a ruthless population-control program of forced sterilization and abortion. The systemic practices rival the worst abuses that occurred during seven decades of communist rule in the Soviet Union,'' Bauer argues. ''U.S. human rights policy was never delinked from Moscow's behavior toward its own citizens.''

It was never delinked in the Carter administration. It was never delinked in the Reagan administration. And we had a bipartisan foreign policy of Republicans and Democrats, liberals and conservatives, that linked human rights and trade and MFN.

The Soviet Union was never a most favored trading partner in the United States. In the 1980's, we would have never given MFN to the Soviet Union. No member of Congress would have ever come down to the well of the House and spoken out in granting MFN to the Soviet Union because of what they were doing, and now the Clinton administration is asking that they extend MFN. Some are even asking for a permanent extension of MFN.

In the 1980's, Ronald Reagan called the Soviet Union the evil empire. His words resonated around the world and into the Soviet gulags where victims of repression were energized by the belief that the United States cared for them and was speaking out for them. I had the opportunity with the gentleman from New Jersey [Mr. SMITH] to go to Perm Camp 35, the gulag before communism fell where Shcharansky was imprisoned. We interviewed Shcharansky's cell mate in the gulag. Strangely enough, in the gulag, in the Ural Mountains far away from civilization, the prisoners in the gulag knew that Ronald Reagan and the Reagan administration was standing up for human rights. How? I do not know. But somehow they knew, because he had stood boldly in a bipartisan way on these issues of human rights. And now today China has repressed those in the Chinese gulags, and as many people know there are more gulags in China than there were in the Soviet Union.

Mr. Speaker, we all know that Solzhenitsyn wrote the book ''Gulag Archipelago,'' and yet there are more gulags in China than there were in the Soviet Union. Yet today China's repressed hear only that the United States continues to deal with their repressor and ignores their suffering. How do we think a dissident in China feels when he sees that the Clinton administration is in support of MFN and wants to delink with regard to human rights and MFN?

For foreign policy realists, those who believe that power rather than principle should drive foreign policy, the case for revoking MFN is equally compelling. Principle or power. ''The People's Liberation Army,'' and I quote, ''is engaged in an unprecedented build-up and is selling its weapons to terrorist regimes,'' Bauer points out. China maintains a trade surplus in the United States that is fast approaching $50 billion. We sell 15 billion dollars' worth of goods to China, but we buy almost 50 billion dollars' worth of goods in return and as a result have put a lot of American workers out of jobs.

Many people in jail in China, as I told my colleagues, in Beijing Prison No. 1 and other slave labor camps are working on goods that are being exported to the United States. In fact, I visited Beijing Prison No. 1, a jail where Tiananmen Square demonstrators were working on making socks for export to the United States. And yet our workers had to compete with people who are in gulags and slave labor camps and jails.

Mr. Speaker, I have long believed that the benefits of standing with the victims of tyranny far outweigh the short-term economic sacrifices of dealing with dictators. Morally, economically, and militarily, the case for revoking China's MFN status gets stronger each year.

In summary, Mr. Speaker, I would put Mr. Bauer's whole article in the RECORD. I would encourage my colleagues to read it.

I will close this as something we should all think about as we folks face this issue in the next couple of weeks. There are Catholic priests and bishops in jail in China and have been there for a long while, and some have been recently arrested. There are Protestant pastors in China. On a weekly basis they go into house churches and arrest people. They have plundered Tibet and have expelled the Dalai Lama.

□ 1600

They are prosecuting those in the Moslem faith in the northwest region of their country. They have sold military equipment to the Iranian government. Just as recently as not very long ago, according to an article in the Washington Times this Friday, they have sold nuclear technology information to the Pakistan Government, which could destabilize the nuclear proliferation issue. They have more gulags in that country than they had in the Soviet Union, and yet we were so

concerned about those in the Soviet Union, as we should have been, but we do not seem to be very concerned about what is taking place in China.

They have an organ donor program whereby they kill prisoners, line them up, and we have it on film, shoot them, and then the doctors take their kidneys out and sell them for transplantation for kidneys to people in the West for $35,000 and $40,000. We have a trade imbalance of almost $40 billion.

And many times, if you hear people speak, they will speak about the Declaration of Independence. I am blessed to represent the State of Virginia where Thomas Jefferson, one of our leaders and Presidents and Governor, wrote the words in the Declaration of Independence while he was residing in the city of Philadelphia where he said ''We hold these truths to be self-evident, that all men,'' and women, ''are created equal, endowed by their Creator''; that means given by God, not by some Executive order by some administration or some legislative fiat, but endowed by God, given by their Creator, ''with inalienable rights of life, liberty and the pursuit of happiness.''

Now when Jefferson wrote those words he did not mean life, liberty, and the pursuit of happiness for people from Charlottesville or only from Virginia, but he meant it for the United States, he meant it for the people in China, he meant it for the people in Africa, he meant it for the people all round the world.

So when we think of these issues, do we want to stand with those of power, or do we want to stand with those with regard to principle, and I maintain for all of these reasons, economic reasons and defense reasons, but fundamentally for the life, liberty, and the pursuit of happiness reasons, those people of faith who are being persecuted in the country of China, we should deny MFN, and when we denied MFN to Romania back in the mid-1980's because of the activity it was doing of persecuting those of faith, the next day on Radio Free Europe in little villages throughout Romania on their little crystal sets they heard the word that the United States Congress, the House of Representatives, the people's body, had taken a stand on behalf of those people of faith, and that made a tremendous difference. And when we take a stand in this body in the next several months on behalf of people of faith, it will be one of our finest hours when we deny MFN to China.

Mr. Speaker, I include for the RECORD the Gary Bauer article I referred to.

[From the Washington Post, Apr. 13, 1997]

WHY PEOPLE OF FAITH MUST CHALLENGE CHINA

(By Gary Bauer)

The ground is shifting in the debate over renewal of most favored nation (MFN) trading status for China. New evidence of intensifying Chinese repression of religious liberty and political dissent is drawing into the argument a collection of religious and family-values organizations who sat out the MFN debate in 1996 and thereby ceded the field to economic interests, especially multinational businesses and Wall Street. We are sitting out no longer. Sometime next month, President Clinton will seek another year-long extension of China's favorable status in American trade law. When he does, Congress should hold a more searching discussion than we've had in past years. Then the president's request should be rejected. Morality and realism—too often considered the poles of this debate—both now clearly dictate the same course. Unless it changes its ways, China should be a disfavored nation in every aspect of American foreign policy.

For social conservatives, the most compelling—though not the only—reason is repression of China's growing religious community. The government views as subversive the estimated 100 million Buddhists, 17 million Muslins, 8 million Catholics and 30 million Protestants worshiping outside the state-controlled ''patriotic church'' system.

Repression ranges from ransacking homes in Tibet in search of banned pictures of the Dalai Lama to destroying or closing some 18,000 Buddhist shrines in Zhejiang province last spring. Ministers, priests and monks are routinely arrested, imprisoned, tortured and sometimes killed for the mere expression of their faith. Pastor Wong, who runs 40 evangelical churches in Wuhan, was released in December after a fourth arrest for spreading the Gospel. This time his captors broke several of his fingers with pliers. Last month, just before Easter, police invaded the apartment of Roman Catholic Bishop Fan Zhongliang of Shanghai, seizing Bibles and other religious items.

These events form the core of the arguments we are making on Capitol Hill, and members of Congress have begun to rethink their positions. In the past few weeks, formerly ''safe'' House Republican votes for the renewal of MFN, like Majority Leader Dick Armey (Tex.) and Reps. John Kasich (Ohio), Fred Upton (Mich.), Peter Hoekstra (Mich.) and Bill Paxon (N.Y.), have voiced new doubts about the wisdom of the status quo.

In a letter to leaders of both parties earlier this year, I told them that the vote on MFN for China will no longer be a one-sided debate between big business and a handful of critics. My letter carried the support of Richard Land of the Southern Baptist Convention, James Dobson of Focus on the Family, Ralph Reed of the Christian Coalition, the Rev. Richard John Neuhaus of the Institute for Religion and Public Life, Ron Sider of Evangelicals for Social Action, and 19 other individuals and groups. Among us we have a combined membership of 25 million Americans.

Joined with labor and human rights groups, this is a formidable alliance—as it will need to be. The opposing Business Coalition for U.S.-China Trade is marshaling the lobbying efforts of more than a thousand multinational corporations and trade associations. But I believe that our involvement brings particular strengths because of our own pro-business record. We disagree in this case because turning a blind eye to the torture of fellow believers, winking at forced abortions, and ignoring slave labor camps and summary executions are too high a markup for people who are both economic and social conservatives.

But all Americans have a historic attachment to the ideal of human rights. Jewish leaders, because of their activities on behalf of Soviet Jews in the 1970s and 1980s, have effectively reminded Christians of their responsibility to help their brethren in China. We should have learned through bitter experience that aggressive and despotic regimes that abuse their own people seldom stop there. Soon they rise up to undermine our allies and, ultimately, to threaten us.

President Clinton entered office on an explicit pledge to revive the moral basis of U.S. policy on China, which had been left in ruins at Tiananmen Square. He said he would abandon the accommodating posture of President Bush and deal more firmly with the men his running mate, Al Gore, called the ''butchers of Beijing.'' In particular, Clinton said, he would make the 1994 renewal of MFN—then and always the most significant element in Sino-U.S. relations—conditional on improvements in China's abysmal human rights record.

When 1994 arrived, there was no evidence of human rights progress. But the Clinton administration, in an exercise of misguided pragmatism, abandoned its own promises and ''delinked'' human rights from trade. Ever since, the administration has single-mindedly pursued a policy of ''engagement'' with Beijing like no other in the history of U.S. contact with a communist regime. ''Realism'' requires it, according to the administration.

Let's be realistic, then, about the fruits of current China policy. Besides China's apparent attempt to influence U.S. elections (a story that is painfully unfolding each day), we have the spectacle of American business interests ratcheting up the level of accommodation even as Beijing tightens the thumbscrews of repression. Today, elements of the U.S. business community say annual renewal of MFN is not enough: Let's make China's status permanent, and throw in World Trade Organization membership and terminate sanctions on high-tech exports to China, to boot.

To understand how well this strategy will work now, consider 1994. At the very time President Clinton abandoned his MFN stance, the Chinese moved to crush religious freedom and began a brutal anti-clerical campaign. Premier Li Peng's Orders 144 and 145 banned all religious expression conducted outside China's state-run churches. China's timing was doubtlessly designed to test our mettle. Finding none, there came more turns of the screw. The U.S. State Department confirmed this in February in its report on human rights abuses. ''Overall in 1996, the authorities stepped up efforts to cut off expressions of protest of criticism.'' The same went for ''non-approved religious groups, including Protestant and Catholic groups.''

Under the theories of constructive engagement, the past few years of America's demoralized China policy should have produced at least some progress. In fact, the regime in Beijing has had every incentive to extend some olive branch on human rights issues. That it has chosen the opposite course should strike the advocates of cooperation of galling. But they are not easily galled.

U.S. corporate opportunities in China's emerging economy, we are told, are too lucrative to be ''held hostage'' to human rights principles. ''Hectoring'' Beijing about its tyrannical behavior is counterproductive. China, the Clinton administration believes, will become a modern, civilized nation only when it is offered full membership in the community of civilized nations.

Today, three years after that invitation was extended, Beijing continues to maintain a giant gulag of extra-judicial forced-labor camps called laogai. The cadres continue to impose a ruthless population-control program of forced sterilization and abortion. These systemic practices rival the worst abuses that occurred during seven decades of communist rule in the Soviet Union. U.S. human rights policy was never ''delinked'' from Moscow's behavior toward its own citizens. And the Soviet Union was never a ''most favored'' trading partner of the United States.

So much for the moral benefits of engagement. But the broader goals of American foreign policy haven't been achieved either. The

People's Liberation Army is engaged in an unprecedented buildup and is selling its weapons to terrorist regimes. Meanwhile, we annually export a paltry $15 billion in goods to the mainland's largely closed markets, yet we buy $50 billion in return. If American policy is going to stand on ''bread alone,'' it should be better bread than this.

Admission to the company of civilized nations should require, at the very least, civilized behavior. How can the free world be ''free'' is it admits to its ranks, for favored commercial and diplomatic treatment, a burgeoning super-power that is the very definition of tyranny? It can't. Ronald Reagan, who peacefully ended the Cold War with a hard-nosed realism that was derived from morality, not deprived of it, understood this truth. And a Republican-majority Congress that claims Reagan's legacy should never forget it.

RECESS

The SPEAKER pro tempore (Mr. PEASE). Pursuant to clause 12 of rule I, the House stands in recess subject to the call of the Chair.

Accordingly (at 4 o'clock and 4 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1828

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. DREIER) at 6 o'clock and 28 minutes p.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Ms. PRYCE of Ohio, from the Committee on Rules, submitted a privileged report (Rept. No. 105–53) on the resolution (H. Res. 112) providing for consideration of motions to suspend the rules, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF HOUSE JOINT RESOLUTION 62, TAX LIMITATION CONSTITUTIONAL AMENDMENT

Ms. PRYCE of Ohio, from the Committee on Rules, submitted a privileged report (Rept. No. 105–54) on the resolution (H. Res. 113) providing for consideration of the joint resolution (H.J. Res. 62) proposing an amendment to the Constitution of the United States with respect to tax limitations, which was referred to the House Calendar and ordered to be printed.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. ROHRABACHER) to revise and extend their remarks and include extraneous material:)

Mr. GEKAS, for 5 minutes each day, on April 15, 16, and 17.

Mr. NEUMANN, for 5 minutes each day, on April 15 and 17.

Mr. MILLER of Florida, for 5 minutes on April 16.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. ROHRABACHER) and to include extraneous matter:)

Mr. RADANOVICH.

Mr. GILMAN in two instances.

(The following Members (at the request of Mr. WOLF) and to include extraneous matter:)

Mr. SCOTT.

Mr. KENNEDY of Massachusetts.

Mr. FARR of California.

Mr. VISCLOSKY.

Ms. JACKSON-LEE of Texas.

Mr. FATTAH.

Mr. KUCINICH.

Mr. GINGRICH.

Mr. COLLINS of Georgia.

Mr. GILMAN.

Mr. POMEROY.

Mr. UNDERWOOD.

Mr. ACKERMAN.

(The following Member (at the request of Ms. PRYCE of Ohio) and to include extraneous matter:)

Mr. BONIOR in two instances.

SENATE CONCURRENT RESOLUTION REFERRED

A concurrent resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 20. Concurrent resolution expressing the sense of Congress regarding the status of the investigation of the bombing of the Israeli Embassy in Buenos Aires in 1992; to the Committee on International Relations.

BILL PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Oversight reported that that committee did on the following date present to the President, for his approval, a bill of the House of the following title:

On April 10, 1997:

H.R. 412. An act to approve a settlement agreement between the Bureau of Reclamation and the Oroville-Tonasket Irrigation District.

ADJOURNMENT

Ms. PRYCE of Ohio. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 30 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, April 15, 1997, at 10:30 a.m. for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2753. A letter from the Assistant Secretary of Labor for OSHA, Department of Labor, transmitting the Department's final rule—Abatement Verification (Occupational Safety and Health Administration) [Docket No. C–03] (RIN: 1128–AB40) received April 7, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

2754. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plan; Indiana [IN73–1a; FRL–5807–9] received April 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2755. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Ohio [OH106–1a; FRL–5808–5] received April 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2756. A letter from the Managing Director, Federal Communications Commission, transmitting the Commission's final rule—Implementation of Sections of the Cable Television Consumer Protection and Competition Act of 1992: Rate Regulation—Low-Price Systems [MM Docket No. 92–266] received April 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2757. A letter from the AMD-Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Rules and Policies Regarding Calling Number Identification Service—Caller ID [CC Docket No. 91–281] received April 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2758. A letter from the General Counsel, Federal Retirement Thrift Investment Board, transmitting the Board's final rule—Thrift Savings Plan Loans [5 CFR Part 1655] received April 14, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

2759. A letter from the General Counsel, Federal Retirement Thrift Investment Board, transmitting the Board's final rule—Thrift Savings Plan; Continuation of Eligibility [5 CFR Part 1620] received April 14, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

2760. A letter from the Archivist of the United States, National Archives and Records Administration, transmitting a report of activities under the Freedom of Information Act for the calendar year 1996, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

2761. A letter from the Assistant Secretary for Policy, Management and Budget, Department of the Interior, transmitting the Department's final rule—Department of the Interior Acquisition Regulation; Department of the Interior Acquisition Regulation System (RIN: 1090–AA60) received April 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2762. A letter from the Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Yellowfin Sole by Vessels Using Trawl Gear [Docket No. 961107312–7021–02; I.D. 033197A]

received April 14, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2763. A letter form the Deputy Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Scallop Fishery Off Alaska; Scallop Vessel Moratorium [Docket No. 961203339–7063–02; I.D. 111896B] (RIN: 0648–AI88) received April 14, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2764. A letter from the Assistant Secretary of the Army (Civil Works), the Department of the Army, transmitting a letter from the Chief of Engineers, Department of the Army dated July 26, 1996, submitting a report on the Port of Long Beach, CA, together with accompanying papers and illustrations, pursuant to Public Law 104–303, section 101(a)(4) (110 Stat. 3663) (H. Doc. No. 105–65); to the Committee on Transportation and Infrastructure and ordered to be printed.

2765. A letter from the Chief Counsel, Bureau of the Public Debt, Department of the Treasury, transmitting the Department's final rule—Regulations Governing Book-Entry Treasury Bonds, Notes and Bills (Bureau of the Public Debt) [31 CFR Part 357] received April 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2766. A letter from the Chair, Physician Payment Review Commission, transmitting the Commission's 1997 annual report, pursuant to 42 U.S.C. 1395w–1(c)(1)(D); jointly, to the Committees on Ways and Means and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BLILEY: Committee on Commerce. H.R. 1001. A bill to extend the term of appointment of certain members of the Prospective Payment Assessment Commission and the Physician Payment Review Commission (Rept. 105–49 Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. ARCHER: Committee on Ways and Means. H.R. 1226. A bill to amend the Internal Revenue Code of 1986 to prevent the unauthorized inspection of tax returns or tax return information; with an amendment (Rept. 105–51). Referred to the Committee of the Whole House on the State of the Union.

Mr. STUMP: Committee on Veterans' Affairs. H.R. 1090. A bill to amend title 38 United States Code, to allow revision of veterans benefits decisions based on clear and unmistakable error (Rept. 105–52). Referred to the Committee of the Whole House on the State of the Union.

Mr. DREIER: Committee on Rules. House Resolution 112. Resolution providing for consideration of motions to suspend the rules (Rept. 105–53). Referred to the House Calendar.

Ms. PRYCE of Ohio: Committee on Rules. House Resolution 113. Resolution providing for consideration of the joint resolution (H.J. Res. 62) proposing an amendment to the Constitution of the United States with respect to tax limitations (Rept. 105–54). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. NETHERCUTT (for himself and Ms. FURSE):

H.R. 1315. A bill to amend the Public Health Service Act to require the establishment of a comprehensive plan regarding the diabetes-related activities of the National Institutes of Health, and for other purposes; to the Committee on Commerce.

By Mr. COLLINS:

H.R. 1316. A bill to amend chapter 87 of title 5, United States Code, with respect to the order of precedence to be applied in the payment of life insurance benefits; to the Committee on Government Reform and Oversight.

By Mr. KOLBE (for himself, Mr. DIAZ-BALART, and Mr. BARTON of Texas):

H.R. 1317. A bill to establish the High Level Commission on International Narcotics Control; to the Committee on International Relations.

By Mr. ROYCE (for himself and Mr. MINGE):

H.R. 1318. A bill to establish a National Commission to Eliminate Waste in Government; to the Committee on Government Reform and Oversight.

By Mr. ROYCE:

H.R. 1319. A bill to abolish the Department of Commerce; to the Committee on Commerce, and in addition to the Committees on Transportation and Infrastructure, Banking and Financial Services, International Relations, National Security, Agriculture, Ways and Means, Government Reform and Oversight, the Judiciary, Science and Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. VISCLOSKY:

H.R. 1320. A bill to amend the Internal Revenue Code of 1986 to waive in the case of multiemployer plans the section 415 limit on benefits to the participant's average compensation for his high 3 years; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

H.R. 18: Mr. BALDACCI, Mr. GEKAS, Mr. LOBIONDO, and Mr. HULSHOF.

H.R. 52: Mrs. MALONEY of New York.

H.R. 113: Mr. SMITH of Michigan and Mr. BARTLETT of Maryland.

H.R. 147: Mr. DAVIS of Illinois.

H.R. 218: Mr. LUCAS of Oklahoma.

H.R. 234: Mr. GONZALEZ and Mr. GEJDENSON.

H.R. 235: Mr. JONES.

H.R. 407: Mr. NEAL of Massachusetts, Ms. KILPATRICK, Mr. HAYWORTH, Mr. KLECZKA, and Mrs. KELLY.

H.R. 411: Mr. FILNER.

H.R. 418: Mr. GALLEGLY and Mr. WEYGAND.

H.R. 426: Mr. CLYBURN, Mr. GORDON, Mr. HUNTER, Mr. CALVERT, and Mrs. KELLY.

H.R. 437: Ms. HOOLEY of Oregon, Mr. FATTAH, Mr. WEYGAND, Mr. DELLUMS, Mr. GILMAN, and Mr. ACKERMAN.

H.R. 488: Mr. CLAY, Ms. CHRISTIAN-GREEN, Mr. BARTLETT of Maryland, Mr. NUSSLE, and Mr. LEWIS of Georgia.

H.R. 623: Mr. LATOURETTE.

H.R. 662: Mr. CAPPS, Ms. WATERS, and Mr. MILLER of California.

H.R. 663: Ms. MCKINNEY, Ms. ROS-LEHTINEN, Mr. MEEHAN, Mr. YATES, Mr. DELAHUNT, Mr. CAPPS, Mr. JEFFERSON, Mr. PAYNE, Ms. BROWN of Florida, Mr. RUSH, Mr. OLVER, Mr. EVANS, Mr. HASTINGS of Florida, and Mr. MILLER of California.

H.R. 680: Mr. WATT of North Carolina.

H.R. 681: Mr. DREIER, Mr. LEWIS of California, Mr. PACKARD, Ms. ESHOO, Mr. CONDIT, Mr. BERMAN, Ms. MILLENDER-MCDONALD, and Mr. WAXMAN.

H.R. 688: Mr. RADANOVICH, Mr. PALLONE, and Mr. PAXON.

H.R. 871: Mr. SANDERS, Mr. BENTSEN, Mr. DELLUMS, and Ms. FURSE.

H.R. 891: Mr. WELDON of Florida, Mr. FROST, Mr. FOLEY, Mrs. EMERSON, and Mr. BACHUS.

H.R. 919: Mr. DAVIS of Illinois.

H.R. 1023: Mrs. FOWLER, Ms. KILPATRICK, Mr. SPENCE, Mr. FORD, Mr. KIND of Wisconsin, Mr. MASCARA, Mr. WATKINS, Ms. WOOLSEY, Mr. WEYGAND, Mr. HINOJOSA, Mr. GREENWOOD, and Mr. KENNEDY of Massachusetts.

H.R. 1050: Mr. DAVIS of Illinois and Mr. KUCINICH.

H.R. 1073: Mr. FRANK of Massachusetts, Ms. WATERS, Mr. BARRETT of Wisconsin, and Mr. FROST.

H.R. 1089: Mr. DAVIS of Illinois and Mr. WYNN.

H.R. 1090: Ms. SLAUGHTER, Mr. WATTS of Oklahoma, and Mr. FATTAH.

H.R. 1111: Mr. OLVER, Ms. MCKINNEY, Mr. CLAY, Mr. WALSH, Mr. TOWNS, Ms. BROWN of Florida, Mr. FROST, Mr. GONZALEZ, Ms. CHRISTIAN-GREEN, Mrs. MORELLA, Mr. UNDERWOOD, and Mr. LEWIS of Georgia.

H.R. 1126: Mr. BOYD and Mr. KING of New York.

H.R. 1147: Mrs. CHENOWETH and Mr. NEY.

H.R. 1161: Mr. SMITH of New Jersey and Mr. ROTHMAN.

H.R. 1162: Mr. PACKARD.

H.R. 1178: Mr. SHAYS and Mr. FROST.

H.R. 1226: Mr. GREENWOOD.

H.R. 1251: Mr. HASTINGS of Florida.

H.R. 1263: Mr. KENNEDY of Rhode Island.

H. Con. Res. 8: Mr. BOEHLERT, Mr. SHAYS, Mr. ACKERMAN, Mr. FALEOMAVAEGA, and Mr. GOSS.

H. Con. Res. 37: Mr. TORRES.

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Senate

The Senate met at 10 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Lord of light and truth, just as physical light makes objects visible in their real character, so the light of Your presence exposes everything in the moral and spiritual order in its true essence. In Your light we can see ourselves compared with Your absolute moral purity. What at first seems like an impossible standard becomes an undeniable source of strength.

Shine Your light into our inner selves, the well-springs of our motivations, attitudes, actions, and reactions. Expose anything that would hinder our effectiveness in serving You today. Then shine Your light of affirmation on the true person inside each of us who wants to throw caution and reserve aside and love and serve You with loyalty and faithfulness today. Thank You for liberating us to glorify You in all that we do today. In the name of our Lord and Saviour. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader [Senator LOTT] is recognized.

Mr. LOTT. Thank you, Mr. President.

SCHEDULE

Mr. LOTT. Mr. President, today the Senate will be in a period of morning business until the hour of 12 noon to accommodate a number of Senators who have requested time to speak. By consent, at 12 noon the Senate will resume consideration of S. 104, the Nuclear Policy Act. And by previous consent, all remaining amendments that are in order to the bill must be offered and debated today. As previously announced, no rollcall votes will occur during today's session. Any votes ordered on the amendments will be stacked, and the votes will occur at 9 a.m. on Tuesday. I emphasize that for all Senators' information. The votes will begin at 9 a.m., and there will be a minimum I guess of three votes—probably three votes at that hour. Therefore, the Senate will resume consideration of S. 104 at 9 a.m. on Tuesday, and Senators can expect to begin voting at that time.

Senators can expect rollcall votes on Tuesday morning, and then following the disposition of this bill the Senate may turn to the Alexis Herman nomination to be the head of the Department of Labor, or legislation dealing with the chemical weapons ban.

Now, as it stands at this time we probably will not vote on the Alexis Herman nomination until Wednesday. We hope to get an agreement, or if we do not get an agreement our intent is to proceed, if we can, to S. 495, the Kyl-Helms and others bill, on Thursday relating to the chemical weapons issue. This is the bill. This is not the convention. And I would expect that that would take up most of the time on Thursday.

As always, we will notify Senators of the schedule and when anticipated votes will occur.

Again I would like to thank Senators on both sides of the aisle and both sides of the issue for their cooperation on the Nuclear Policy Act. I think we are doing the right thing by getting this legislation completed without undue delay, and voting on it so that the House can act. And I understand they do plan to act on this legislation within the next 30 days. We hope to get it to the President and hope for his signature.

TAXES AND ABUSES AT THE INTERNAL REVENUE SERVICE

Mr. LOTT. Mr. President, also, I want to remind Senators again that the American people are watching and waiting to see what we have to say, in fact, about what we are going to do about taxes in this country. Tomorrow is the day that we all have to pay the taxes we owe. And the feeling I had gotten when I was home is that people are very upset with the tax burden, both the size of it, how much is taken from them in taxes, the variety of ways that it is taken from them, the unfairness in what we take away from families with children that could do more for and want to do more for their children. Also it discourages savings and investments in the economy. And we even tax death. It is time for us to do something about it. And this is the week to do it.

We will have a number of comments and some votes tomorrow, in fact, on abuses at the Internal Revenue Service. When you have a computer system that has had millions of bucks spent on it that does not work, you have to ask, you know, how long can this go on, because we have provided millions of dollars. And also when you see that people are being fired for snooping through taxpayers' files, that is absolutely an unacceptable practice.

So we need to stop the abuses. Then we need to give some tax relief. And then we need to reform the entire system. At a very minimum, this year we should give working people of this country some tax relief. And it is my hope we will be able to do that.

We are going to be working with the administration, with the White House specifically, this week to see if we can come to an agreement on the tax cuts that we will have in our budget for this year. I hope we can reach an agreement. If we cannot, we will just have to proceed to a process that would allow us to get to a vote on this important issue this year.

Mr. President, I see no Senator seeking recognition at this time. I do believe that a couple Senators are on the way. I suggest the absence of a quorum.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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The PRESIDING OFFICER (Mr. ENZI). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business, not to extend beyond the hour of 12 noon, with Senators permitted to speak therein for up to 5 minutes each.

The Senator from Georgia [Mr. COVERDELL] is to be recognized to speak for up to 60 minutes; the Democratic leader is to be recognized to speak for up to 30 minutes; the Senator from Illinois [Mr. DURBIN] is to be recognized to speak for up to 10 minutes; the Senator from North Dakota [Mr. CONRAD] is to be recognized to speak for up to 20 minutes; and the Senator from Nebraska [Mr. HAGEL] is to be recognized to speak for up to 20 minutes.

The Chair recognizes the Senator from North Dakota [Mr. CONRAD].

THE DISASTER IN NORTH DAKOTA

Mr. CONRAD. Mr. President, just for the information of my colleague, Senator BREAUX is here. I have 20 minutes allocated. I will not take 20 minutes. I hope to be closer to 10 minutes. So the Senator from Louisiana will have an opportunity as well.

Mr. President, I have just returned from another trip to my home State of North Dakota to see firsthand the developing slow-motion disaster that is occurring there. I call it a slow-motion disaster, Mr. President, because it is not one of those things that happens and then is over with. We have a slow-motion disaster. We have had the worst winter on record in North Dakota. Then we were hit at the end by the most powerful winter storm in 50 years, on top of the greatest flood threat in 150 years.

Mr. President, you can imagine, people of my State are beginning to wonder what happened, what could have led to a series of events as extreme as these. I don't think anyone has the answer at this point. We are truly coping with an unprecedented series of disasters. We have just had a visit from the Vice President of the United States, Vice President GORE, the Secretary of Transportation, Rodney Slater, and the head of FEMA, James Lee Witt, all in the State of North Dakota last Thursday and Friday. We deeply appreciated the Federal response. We got a Presidentially declared major disaster and we got it in very short order. We have also received unprecedented assistance from the Corps of Engineers, in terms of advanced measures, to hold down the catastrophe that could have occurred without the really heroic efforts by the Corps of Engineers, by FEMA, and by local agencies, local leadership and, of course, the extraordinary efforts of volunteers.

We had people go 300 miles, from western North Dakota to eastern North Dakota, to help sandbag because they knew we were faced with an imminent disaster in eastern North Dakota. My own cousin, a professor at the University of Wisconsin, heard that Fargo, ND, was about to flood and they needed sandbaggers. He drove all night from Madison and arrived at 3 in the morning and sandbagged from the time he got there all day and into the next evening. That is the kind of attitude North Dakota has brought to this disaster.

I tell you, out of all this, the thing I am most proud of is the response of the people of our State, which has truly been extraordinary. Not only have all of the Federal agencies and State agencies pulled together, along with the volunteers, literally thousands of them across the State that helped out, but we also want to thank the Red Cross for their outstanding assistance across North Dakota. We should also thank all of the other agencies. The mental health hotline tells me they are taking a dramatically increased level of calls.

I have been asked, ''What did you see out there, Senator CONRAD?'' This picture shows the power lines that are down. You can see that power pole after power pole snapped. They went down like tinker toys. We had this massive ice storm, after we already had 100 inches of snow in North Dakota, the heaviest snowfall we have ever experienced. Then we get this storm that dumped another 2 feet in parts of North Dakota. It was combined with ice. Ice formed on the lines, and there were 70-mile-an-hour winds that came through. Those winds just took down these structures all across North Dakota. Over 4,000 power poles were taken down.

Mr. President, it didn't end there. This is a picture of one of the most stunning events that occurred during this disaster. This is one of the largest structures in North America. This is a 2,000-foot television tower for KXJB television; it all went down, all 2,000 feet. You can see that this structure is laid out just as if somebody came and knocked it over and laid it out perfectly across the snow. That, of course, took a lot of television stations and radio stations off the air in the midst of this crisis. So not only did you have horrible weather, you also had a communications problem.

Mr. President, this picture shows a farmer on his tractor. As you can see, these are his silos in the back. His tractor is up to its wheel rims in water. He is just getting across the farm trying to move into a position to rescue grain that would otherwise be destroyed by the rising flood waters.

Mr. President, we have another chart that tells the extent of this disaster. We had 80,000 homes without power. From a week ago Saturday, on into the week, many homes were not restored until last Friday. This is in the midst of zero temperatures with 40-degree-below-zero wind chill factors, people without heat—80,000 people without power. There were over 600 people at emergency shelters, and that is as of Friday. Many more than that were in shelters during the peak. And 4,000 power poles were destroyed. Over 9½ feet of snow fell since November. That really is an extraordinary set of circumstances, with not only the most snowfall we have ever experienced, but they had the most powerful winter storm in 50 years on top of the greatest flood threat in 150 years.

The Red River to the north—I hear some of the national news media talking about it as though it flows south. Of course, anyone that knows geography knows the Red River flows north. The Red River has exceeded the highest flood levels ever in four different locations. In the northern part of the State, it is still rising. We have had the crest in the southern part of the State, although we expect the second crest to come later when this snow that has just fallen melts. Nonetheless, the peak crest has now hit the southern part of the State and is moving north. In the north, the river is still rising.

The livestock losses were running 60 percent above normal before this latest storm hit. Because of the very severe weather conditions we have had, we have had tens of thousands of cattle killed across the State of North Dakota. In fact, this shows losses of more than 70,000. As of this morning, I have been notified that cattle losses, they now believe, are running well over 100,000 in the State of North Dakota. The occupant of the chair, who is from the neighboring State of Wyoming, understands what cattle losses mean in a State like ours. I think even the occupant of the chair would find it hard to fully appreciate the loss of 100,000 head. That is a tremendous economic blow to the State of North Dakota. As the occupant of the Chair knows well, we have been hurt by very low cattle prices as it is, and that industry is certainly struggling. To have piled on top a 100,000 loss of cattle across the State—in fact, they tell us 112,000 head is perhaps the best estimate. But that is an enormous economic blow to the State of North Dakota.

Mr. President, I have come here this morning in order to share these circumstances with my colleagues so that they can appreciate and understand what is happening across the State. I can tell you that resilient North Dakotans continue to battle their disaster. In many places it is an uphill battle. But North Dakota has a can do attitude, and—as I saw in town after town as I traveled across the State on Thursday and Friday, the people are recovering. They understand what is at stake.

Mr. President, we very much appreciate the Federal assistance that the

President has called for with his disaster declaration.

Again, we want to thank the North Dakota National Guard, the Federal Emergency Management Agency, and the U.S. Army Corps of Engineers. Let me just say that the Corps of Engineers is being praised from one end of the State to the other by local officials who are saying this was the best prepared they have ever been for flooding disaster. That is a good thing because this is the worst flooding that we have seen in the history of North Dakota.

I also again would like to thank the Red Cross, the Salvation Army, the church organizations, and volunteer organizations that have pitched in. The response, as one of the disaster coordinators told me, has just been superb. It has been everything you could possibly ask for.

So we extend our appreciation to all of those who pitched in.

I also want to conclude by saying that I very much appreciate what my colleagues have told me—that they will stand up and be supportive during this time of need. We certainly have attempted to do that when they were in a disaster situation. And I very much appreciate the words of support that we have received from literally dozens of our colleagues.

With that, Mr. President, I yield the floor.

Mr. BREAUX addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. BREAUX. Mr. President, I yield myself 20 minutes under the time allocated to the distinguished Democratic leader.

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

Mr. BREAUX. Mr. President, let me commend KENT CONRAD for his good remarks on the situation in his State and in that part of the country, and also my part of the country. There is no doubt about it because as the snow begins to melt eventually it finds its way down the Mississippi River and causes problems for us. We sympathize with what is going on in his area, and certainly we are willing to participate and help as well.

So I commend him for his comments on the floor of the Senate.

THE MEDICARE CRISIS

Mr. BREAUX. Mr. President, what I want to talk to the Senate this morning and our colleagues about is the situation that I think is most serious in this Congress. If we balance the budget this year and also come up with tax cuts, I think that this Congress will still go down as a failure if we do nothing to address the very serious Medicare crisis that is facing this country. I think that we must realize that we need to do more than we are attempting to do at this moment.

There is no question that Medicare has been a wonderful program for the 38 million Americans that have come under the Medicare Program for all of these years. It has been a success story that I think is unparalleled in the history of government. Before Medicare was passed less than half of the seniors in this country had access to quality health care. Today 99 percent of all seniors in America have quality health care under the Medicare Program. The poverty rate among seniors has dropped largely, on the part of Medicare and Social Security, from about 35 percent of all seniors down to about 12 percent. The United States has about the ninth highest life expectancy of any nation in the world. That is not that great. When you look at the life expectancy of seniors in this country, the United States has the highest life expectancy of all citizens over the age of 65 largely due to the fact they have access to quality health care under the Medicare Program. The problem, however, is that Medicare is about to go broke. We have talked about it. Now I think more and more people are understanding that we must do something to address the problem.

The first chart that I have up here really is an indication of how part A, which is the hospital trust fund which pays for the hospital services for seniors, is projected by about the year 2001 to run out of money. We are right here starting to run out of money in the trust fund. And the red line shows that, indeed, this is a very serious crisis that we cannot allow to continue. The President's budget extends the life of the fund to the year 2007. That is a short-term fix when I suggest we should be looking at long-term fixes.

Part B, which is the program that pays for physician services, is not in the same situation, obviously, because it is supported by general revenues although the cost of Medicare physician services has increased by 53 percent over the past 5 years.

I would like to take a look at chart No. 2 which shows the number of people that are working in order to pay for the Medicare beneficiaries. Back in 1967 there were about 4.4 workers paying for every Medicare beneficiary. Today we are looking at a ratio of about 3.9 workers in 1995 right here. It is a dramatic drop down to the year 2030 when we are talking about only 2.2 American workers working to pay for one beneficiary. So while it started off in a very good ratio back in 1967 it is dropping as more and more people become eligible for Medicare and fewer and fewer workers are working to pay for those services.

The Congressional Budget Office estimates that payroll taxes would have to be increased 25 percent a year just to extend the trust fund solvency to the year 2006. I don't know of any Member of Congress that is recommending a 25-percent increase in the payroll taxes, or something that is simply not going to occur.

Chart No. 3 shows you how much money we are spending on Medicare as a percentage of our overall Federal budget. In 1975 it is 5 percent, more than double in 1995, and with 11.3 percent of the entire Federal budget now being spent on Medicare. By the year 2020 the estimation is that it will be almost 25 percent; 24-plus percent of our total budget expenditures. That means when you are talking about education, roads, highways, infrastructure, there is not going to be a lot of money left. We will be spending 25 percent of everything we take in just on Medicare.

Why is this happening? There are two reasons. No. 1 is the growth of beneficiaries. There are a lot more people on Medicare. People live longer. The population is aging. We are glad they are. We are glad they are living longer. But we have a lot more beneficiaries than we used to. Between now and the year 2010 the number of people on Medicare will grow by about 1½ percent a year. After that it is going to grow to almost 2.5 percent a year, which is a rate of growth that is just incredible and unreasonable for the cost.

The second reason, as I point out on the chart, is the amount of money we are spending per beneficiary. We are spending a lot more. For a self-insured man who earned average wages he will receive Medicare benefits of over $44,000 a year in his lifetime. For these benefits he is only going to contribute about $13,000. He is getting about $32,000 more than he is putting in. We are spending a lot more per beneficiary. In 1995, the average benefit is $80,000 in a lifetime. Their contribution is $30,000. So we are spending a lot more money per beneficiary than we used to, and it is certainly a lot more money than they are contributing.

So we know what is happening. Unfortunately, what we are talking about so far in the President's budget and in most proposals is to tinker around the edges. We are talking about, ''Well, let's fix Medicare by cutting the amount of money we give to doctors and cutting the amount of money we give to hospitals.'' I suggest that that is a Band-Aid type of an approach which we have tried time and time again. When we get into these great arguments about cutting or increasing Medicare, truly we aren't fixing anything. We are just tinkering around the edges. We need some fundamental reform and change. If we continue to just reduce the amount we give to doctors and to the hospitals pretty soon doctors and hospitals are going to say, ''Wait a minute. I am not going to treat Medicare patients anymore. You are giving me less than it is costing me to provide these wonderful services that are important to seniors in this country. So I quit. I am out of here.'' You are seeing that happen around the country. Unfortunately, the proposals we have on the board so far this year are simply just the same old same old—simply reducing the amount we pay doctors and hospitals. I think we have to do something more fundamental than that.

What I am suggesting is that we restructure Medicare by modeling it on

what we have as Senators, what we have as Members of Congress, and what 9 million Federal employees have for their health care package of benefits. I think most people believe that if Congress wrote a plan for themselves it must be pretty good. They are right. It is pretty good. It is much better than what seniors have under the current Medicare plan. I am suggesting that we take the Medicare plan and give people who are on Medicare—the beneficiary—at least the option of having the same benefits that their Senator or their Congressman, or the rest of the Federal work force has which is the Federal employee health benefit plan. With our plan the Federal Government finances about 71 percent of the premium cost for the plan with the participants paying the other remaining 29 percent. We have the option of choosing a Cadillac plan for which we will pay a little bit more, or a less expensive plan that we pay a little bit less for, and the Government pays a little bit less. But you have the flexibility. It is sort of a combination of a defined contribution and benefit plan where the Federal Government says we want some people to offer us some option. It has to meet a minimum standard. And depending on which plan you pick determines how much you are going to have to pay for it.

No. 1, the plan would give seniors a greater choice of health care plans than they currently have. It would give them better coverage than they currently have while at the same time curbing the growth in Medicare costs by creating what Medicare doesn't have, and that is real competition.

The reason Medicare is increasing at twice the rate of private insurance is because there is no real competition among Medicare beneficiaries and the plan that they have. In the private sector, which is increasing about 4 percent or less, there is competition. They receive more. They pay less under Medicare. We get less and pay more.

So I am suggesting that a plan based on the Federal employee health benefit plan would give more competition, more benefits, more information, and more choice to Medicare recipients than they have today. There would be more competition because the current Medicare system of price fixing by the Government here in Washington I think is a disaster. We have people in Washington that work very hard to try to fix prices. But it is not working. The costs are going up higher than the private plans and they are fixing the price. It is not working. So we are the only group that has lost money on managed care.

Medicare now offers HMO's because it is under a price structure and price fixing. We are losing money on HMO's. Everybody else who is trying HMO's is saving money because there is competition. But under Medicare, when somebody gets in an HMO, we are still controlling the price. And the Government is losing money under HMO's because of price fixing, and everybody else is saving a substantial amount of money.

So we have to change the way we are doing business, and to bring in more competition. The Federal Government OPM negotiates on behalf of 9 million employees. And there is a lot of competition because they can go to the market and say, ''We are going to offer you 9 million workers, and we want you to bid on what health care you are going to provide them. And make sure it is a minimum standard, and see who offers the best deal.'' We have 38 million people in the system. The potential for negotiating a good price is astronomically increased, and it makes much more sense. Right now we are relying on Medicare and arbitrary bureaucratic price regulations and price fixing. The private sector, which relies on competition, more information, and more flexibility, is working and the prices have not gone up.

The second thing is we would get more benefits. When we talk to seniors, we say that we want to change it. But we want to give you more benefits than you have right now because what you have is a 1965 model that is like a Chevrolet that has never been repaired since 1965. It wouldn't run very well today. But we are giving them a 1965 model. It was great for a long period of time. But because of the change in the world it is not giving the benefits that the private sector gives other people.

Medicare doesn't cover most outpatient prescription drugs. For instance, it doesn't cover generally dental care, or have any catastrophic limits on catastrophic health care and out-of-pocket contributions as private plans do. In fact, Medicare's benefit package is less generous than about 85 percent of private insurance and private sector plans. I think a lot of seniors think that they have a great plan when in truth it is less generous than 85 percent of the private sector health insurance plans. It is not that good of a plan by any stretch of the imagination. The program covers only about 45 percent of the total annual health care bill of the elderly. That is not a particularly good deal by any stretch, if your health care plan is only covering about 45 percent of your annual out-of-pocket expenses. That is what Medicare currently does with our seniors.

The plan would also give them more information. They do not get a lot of information under Medicare. They get a card. They say, go to your doctor under a fee-for-service plan, but you do not get a lot of information about which doctors are the best, which hospitals are the best, which services are the most efficient and do the best job. To the contrary, with the Federal plan, every year they publish a guide with information on benefits and premiums.

We can improve upon that. We should have a report card for all these plans so they can see how many people were treated, their success ratio, what the failure rate is, and how the plans are working. So we need to give them more information than they currently have. Medicare currently really gives seniors zero information on the quality of the plans under which they operate. That is not fair to the seniors, and it is not helpful to the system at large.

Then it gives them more choice. The 9 million Federal employees nationwide have the benefit of looking at about 388 different health insurance plans to see which one that they would like that fits their needs—388 different plans that they can take a look at and say, ''This one is better'' or ''this one.'' That is nationwide. Most of us in Washington look at two or three or four, maybe five different plans and say, ''This one fits my family; I will take this high option,'' or ''I will take the low-option or standard plan.'' It is an easy choice with a lot of information, and, most importantly, it has information that is needed to make the correct choice.

All of these plans under Medicare simply continue to rely on the very inefficient Federal price fixing as opposed to how much the market is charging. We have bureaucrats who are trying to do a wonderful job. I do not criticize them. But it is impossible to do what they are attempting to do to make sure we have a better system.

Mr. President and my colleagues, I will be talking more about this. We are still working on the details. But I suggest we need to be looking at, fundamentally, restructuring Medicare to make it a better program for the seniors than they are now getting and at a price we can afford. Doing nothing is not an option, because then we destroy the system that has taken care of the needs of seniors for over 30 years in this country.

We in Congress have an obligation to fix it and to be able to help educate the seniors that what they have now is not a good deal, it is not as good as most private plans, and we can offer them more choice and more benefits, better information, and do it in a way that allows the marketplace to determine the price.

The Office of Personnel Management looks at the top six health plans in the country and comes up with an average price and negotiates based on that average price. It is not Washington fixing prices but the market. When we have that large of a pool of individuals, then you can have the competition that is necessary to get the price down. So what the private sector is getting is a lot more choice, more benefits, and the price is increasing only at about 4 percent a year or less while Medicare has less of everything and the price is increasing at about 8.6 percent a year.

So we are going to be talking more about the details. We do not have all the details yet, but this is a concept that I think makes sense. My proposal will allow the current fee-for-service system to stay in place. If they wish to keep the whole system, they would

have the option to do that. But I guarantee you, as more and more people understand what this plan will offer them, I think very few will elect to go back to a 1965 model when they have the opportunity to select a 1997 model which makes sense and gives them a great many more benefits.

Mr. President, I conclude my remarks by saying we will continue to talk about this, to help educate our colleagues about what we are attempting to do. Others have come up with this plan. We have had groups like the Progressive Policy Institute that has suggested this. The Brookings Institution has suggested this type of approach. The Heritage Foundation has suggested this type of approach. We have liberals, conservatives, and moderates saying we have to fundamentally make some changes. This is the way to go. This is the right approach. I agree with them. I think as we know more about it, more and more of our colleagues will agree with this approach as well.

Mr. President, I yield the floor. I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. THOMAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The senior Senator from Wyoming is recognized.

TAXES

Mr. THOMAS. I rise to speak about taxes and will be handling the time that has been set aside for Senator COVERDELL, if that is acceptable.

The PRESIDING OFFICER (Ms. COLLINS). Without objection, it is so ordered.

Mr. THOMAS. Madam President, tomorrow is tax day. I guess every one of us knows that. Certainly some of us are a little sleepless from having dealt with it. So it is an appropriate time to talk, I think, about taxes. There are lots of things to talk about in the area of taxes, of course. One of them is the tax system. Obviously, most people believe the tax system needs to be changed, needs to be made simpler, needs to be made more fair. We could talk about the IRS. A lot of people talk about that, particularly in April. There need to be changes there, clearly. On the other hand, most believe, and I do as well, that if we really expect something different from the enforcement and collection agency for taxes, then we have to change the tax system which they enforce.

But, today I wanted to take this time, along with a number of my colleagues—and I appreciate very much Senator COVERDELL setting aside this time; I expect there will be six of us here over the next number of minutes—to talk about taxes, what taxes mean to us and what they mean to our constituents. It is an appropriate time, also, not only to talk about taxes, but to talk about the agenda that we have in the Senate, particularly the Republican agenda with respect to taxes: What our plans are, what we have on our menu with regard to taxes, to provide some tax relief for American families, provide an opportunity for American families and American businesses to spend the money that they earn themselves; to talk a little bit about the fact that, on the average, American families spend almost 40 percent of their total income on taxes, all kinds of taxes—Federal, State, local—40 percent. That is an awful lot of our labor that is paid to the government. So, let me make it clear that Republicans want tax relief, we want tax relief soon, we want tax relief this year, and I am hopeful—we want tax relief as part of this budget that is now being prepared.

We hear a lot—I hear it from my constituents and I am sure my associate from Wyoming hears the same thing—that families are having difficulties getting ahead, families are having difficulties in savings, families are having difficulties paying their bills. Part of the reason is the level of taxes. So, it seems to me that it is necessary for us to respond. People in my State remind me that nearly 40 percent of their income is paid in State and local taxes, as well as Federal taxes. That is an awful lot of our money.

Surveys have indicated that Americans are willing to pay taxes, but they perceive that like 25 percent would be a more acceptable and reasonable figure. My constituents want to know what we are doing about taxes in this Congress. Frankly, there is a great deal of opposition to doing very much of anything. I think, really, if you want to be serious about tax relief, you have to go back to the basic issue, the really basic issue. The talk about taxes and balanced budgets is more than talking about arithmetic, more than talking about balancing numbers. It represents a philosophy. It represents the point of view that people have with respect to Government. There are those in this body who believe—certainly in this country there are those who believe—the Government spends money better than individuals, that more and more money ought to be brought into the central Government so it can be disbursed for all kinds of ideas. There is a legitimate point of view that the Federal Government should be involved in almost everything that is troublesome to people in this country. As a matter of fact, I think one could say that has been the President's political philosophy, to get involved in all kinds of things, some say the kinds of things that ought to be done by the city council, that ought to be done by the school board. But the President has found those to be politically viable. So it is a philosophy.

Those who want more and more Government, of course need to have more and more taxes. I do not agree with that point of view. I think our efforts ought to be designed toward reducing the role of the central Government in our lives. Those things that are inherently governmental, and there are some, ought to be done by government at the level closest to people. There is a role for the Federal Government. There are things the Federal Government ought to be doing. But, conversely, there are things that the Federal Government should not be doing. So my point is that when you talk about budgets, when you talk about tax relief, the response is always, we—you—cannot balance the budget; we cannot cut spending enough to have tax relief for American families.

I suggest that we can. We have a $1.7 trillion budget, and in that budget there are many things that could be reduced. There are many things that could be combined. There are many things that could be, in fact, eliminated. It is possible to balance the budget and have tax relief. The other alternative, of course, which again is the one the administration has taken over the last several years, is let us balance the budget but let us do it by continuing to increase spending and raise taxes. The President's budget that is out before us now raises taxes by $23 billion. It has some tax relief in it but that is offset by more tax increases.

So that is really the issue. We will talk about all kinds of details on the floor. Details are fine. We ought to talk about them. When you really peel it all away, you are talking about a philosophical difference of more Government versus less Government. Frankly, I think it would be sort of interesting and honest if those who want more Government would simply get up and say, ''Yes, I want more Government. I think we ought to have more spending.'' Seldom do you hear that. There are a million other reasons for it, but that is really the bottom line.

So, that is what we talk about, I think, when we talk about the budget. That is what we talk about when we talk about tax relief. It is possible to balance the budget, reduce taxes and get tax relief at the same time. The two are not mutually exclusive in a $1.7 trillion budget. Can you imagine what $1.7 trillion is? There are plenty of examples of waste and abuse. There are plenty of examples and opportunities to create a smaller, more efficient Government. For a few examples, the State Department has $500 million in unneeded real estate. How to dispose of that? Repeal of Davis-Bacon would save $2.5 billion, so contracts in the Government sector are the same as they are in the private sector. There are 160 employment and job training programs in 15 different agencies—160. I cannot imagine that we could not be more efficient than to have 160 programs aimed at the same thing. In fact, we could get more money to the people who need the money if we would consolidate those, in addition to spending

reductions. There are 73 Federal programs aimed at gathering statistics.

I have introduced, along with a number of my associates, what we call the Freedom From Government Competition Act. It is a simple idea, an idea that has been policy for a very long time. It has not been implemented. That is, to identify those activities within the Federal Government that are commercial in nature and also those that are inherently Government; and those that are commercial, put them out for a bid in the private sector so they could be accomplished in the private sector, substantially saving dollars, some say as much as $30 billion, in the private sector. That is really what we all say we want to do, is to strengthen the private sector and limit the size of Government. Here is an opportunity to do that. Yet the administration drags its feet and says, ''Oh, we are doing all this.'' The fact is, they are not. The fact is, there are lots of things that can be contracted out that are commercial in nature.

I happen to be chairman of the Parks Subcommittee. We are entering into a long-term study of strengthening the parks and seeing how we can provide more resources to protect the resources there, more dollar resources to protect the natural resources. One of the ways is to take some of those functions and put them into the private sector. So, we have introduced a bill to do that.

There are all kinds of ways in which efficiencies can be found, in which Government can be smaller. The result of that can be a balanced budget and a reduced tax burden on American families. There are two that particularly come from my constituents when I am in Wyoming. One of them has to do with the estate tax. As you might imagine, a lot of our folks are ranchers and farmers and small business people, families who have worked all their lives, perhaps several generations, to put together a farm or a ranch which has asset value and, frankly, has relatively little cash flow. Yet, quite often under our current estate taxes, that family has to dispose of their assets, dispose of their ranch, on the death of the senior person in order to pay the taxes. So he or she cannot pass it on, that lifetime of work, to their family. The fact is, we spend more money in this country avoiding estate taxes than we do paying them—it is relatively minor.

Capital gains? We would like to have a good healthy economy, of course, and it seems to me there is nothing that would provide more strength to the economy than to provide an opportunity for people to invest in businesses without having all their growth taken in capital gains taxes. This is a direct result of reducing taxes, to have investments, and, indeed, for the first several years it increases revenue.

So that is what we are talking about here. Again, let me say I get concerned sometimes, when we seem to kind of trivialize the debate, whether this is going to produce that. We get very involved in the numbers game when beyond that, in a much broader sense, is a philosophical direction. Where are we going with the Federal Government? Do we want more? Do we want less? Do we want people to have more money to invest for themselves? Do we want to invest in the private sector to create jobs and therefore increase revenues?

We always hear about the 1980's in which the deficit grew, and, indeed, the deficit did grow. But if you take a look at it, revenue grew exceedingly fast. It was the longest growth of revenue in history. The problem was Congress continued to spend more. It was not a matter of not having enough revenues; it was a spending issue, and that is what we ought to face up to, it seems to me.

So we are talking here a great deal about the philosophy—philosophy. Do you want more Government? Do you want less? Do you want it more efficient? Do you want to continue as it is? It makes some sense to reduce the size of the budget and cause some of the agencies to have to find some better ways to do things, and they can. Specific tax cuts, it seems to me, that are most important have to do with capital gains, which helps to increase jobs, helps to allow people to have a living wage and to take care of their own families; and estate tax, which allows people to work their lives to create an asset and to be able to keep it; to provide $500 per youngster under 18 for families, so they can take care of their own health insurance for young people. It seems to me that is the direction we ought to go and this is the time to make those kinds of decisions.

I am joined by my friend and associate, the Senator from Nebraska. I would like now to yield to the Senator.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. HAGEL. Madam President, I wish to thank my distinguished colleague and fellow tax cutter, the distinguished Senator from Wyoming.

The people of the United States are drowning in a sea of taxes. Reducing the tax burden on the American taxpayer was a principal reason I ran for the U.S. Senate last year. Tax relief is a top priority for my State, for Nebraskans, and I believe for all Americans. We must make it a top priority in this Congress. We must make it a top priority in this Congress for the American people.

American taxpayers are honest, hard-working people. They deserve to reap and to keep the benefits of their labors. Yet, the typical American family pays more in taxes than it spends on food, clothing and shelter combined.

On average, nearly 40 percent of income goes for taxes; 28 percent goes for those other necessities of life. I say other necessities because it seems in America today taxes are considered a necessity, a more important necessity than food, shelter, and clothing. These numbers are according to the Tax Foundation.

That is not what our forebears envisioned for America. That is not the freedom that so many of our people have fought, sacrificed, and died to defend. That is not the America we want to leave our children and our grandchildren. Our people, Madam President, deserve better. The American people want less Government, less regulation, less spending, and less taxes. It is time for our leaders, the leaders of this body, the leaders of the Congress of the United States of America to act on America's wishes. It is time for significant tax relief.

Tomorrow is tax day 1997. We must make change happen. We must provide the leadership to make tax relief happen now. The heavy burden of taxes must be taken off the American people so they can enjoy the life they work hard to provide their families and not have to worry if they will have enough to be able to survive financially.

As we look down the road into the next generation, we know by any scoring of the budget that unless we make drastic changes in our spending habits, spending habits that now have given this country a $5.3 trillion debt, and we add $700 million a day to that debt, if we do not change those spending habits and out of control fiscal policy in this country, we know one thing: that within 10 years, every dollar in the Federal budget will be consumed by four programs—interest on the national debt and entitlements. There will be not $1 for national defense, for roads, for scholarships, for the environment—not $1. It will go to pay interest, not even the principal, interest on the national debt and for entitlements.

This is the modern challenge. This is the modern challenge to our ongoing quest to secure life, liberty and the pursuit of happiness for all Americans. We need to look to the future, we need to look seriously to the future, and we need to look to the future now. We need to completely overhaul our present Tax Code. It is a sham, it is ridiculous, it is an embarrassment.

Our system is too complicated, too punitive and too unfair. We need to make it flatter, fairer and simple, and we need to get at it now. We need to look at all the options as we tackle this issue, but we must make sure that a new Tax Code eases the burden on the American taxpayer and encourages—encourages—rather than inhibits or destroys growth, investment, and savings. Growth, investment and savings, that is our future. That is how we pay down this debt. That is how we continue to give generation after generation in this country real opportunities, like my generation has had and every preceding generation has had.

We have a very important stewardship here. This is a stewardship about fiscal responsibility, that our children and our grandchildren inherit something worth inheriting, not a mound of debt, not a concern that they will not have an opportunity to buy a home or send their children to college. We must

ensure that the American taxpayer is treated fairly and that any new tax system is managed correctly. The people who enforce our tax system must always—always—act with respect for taxpaying men and women. We need a smaller, leaner, more responsive Government. Americans are willing to pay for the Government they need, but they are not willing to keep paying for the oversized, overreaching Government that we now have.

The Omaha World Herald, the State daily newspaper in my State of Nebraska, recently put the case very well, and I quote from the Omaha World Herald:

> Taxation isn't evil. Without it, the Constitution's mandate of providing for the common defense and promoting the general welfare might well go unfulfilled. But there's a point at which too much taxation makes Government the master of the people instead of their servant.

Let me repeat that.

> There's a point at which too much taxation makes Government the master of the people instead of their servant. That point comes nearer each year that Government figuratively gobbles up more of the workday for its own needs, leaving Americans less time to support themselves and provide for their families.

Today, the typical worker works 2 hours 49 minutes of each 8-hour work day just to pay taxes at every level of government. That is almost three times as high as it was in 1930 when it took only 1 hour each day to earn enough to pay taxes at every level of government. This trend will continue until something is done.

The time for tax relief is now. If we fail to provide that relief, our economy will weaken—it surely will weaken—our people will suffer and our role in a global economy will be lessened, and just at a time when America should be leading the world into a grand hopeful new century, a century that should be full of promise and hope and opportunity. We will have to forfeit the leadership and the opportunities that should be there for our young people. But if we meet the challenge, we will open the door to an exciting new era in America and the world.

This country is great, not because of its Government, not because of the country; the Government is great and the people are great and the Nation is great because of our culture, because of our people. Let's not hold our people back from their potential with a heavier and heavier tax burden. But rather, let's allow our citizens to flourish, prosper and soar, just as we have done in this country for over 200 years. Americans deserve tax relief. I intend to do all I can to make that happen. We need tax cuts and spending cuts now.

Madam President, I thank you for the time, and I yield the floor.

Mr. GRAMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. GRAMS. Madam President, I join my other colleagues this morning in talking about the dubious date of April 15, which comes upon us tomorrow. I rise today to speak briefly in support of what we call profamily and progrowth tax relief. I will focus on two of the most frequently asked questions, and that is: Why is it critical to provide tax relief this year, and then, can we do it while still trying to balance the budget?

You always hear the question asked of the people: ''Do you want a balanced budget, or do you want tax relief,'' just like they are two separate questions and they cannot be one. I believe they are dual track and both have to be done at the same time.

Before I begin, let me set one fact straight, and that is, over the next 5 years, the Federal Government will take away $8.6 trillion in taxes from the pockets of working Americans. What we are asking is that 2 cents of every dollar that the Government takes from the taxpayers—again, I repeat, just 2 cents of every dollar—be returned to them in the form of tax relief. That is what S. 2, the Family Tax Relief Act is all about. It is 2 cents worth of tax relief. Too much? Well, I don't think so.

Madam President, tomorrow will be the cruelest day of the year for millions of Americans as they rush to meet the April 15 tax filing deadline, and cruel is not only an appropriate word to describe the tax burden faced by working Americans, it is perhaps the best word. Taxes imposed on American families are at an all-time high, as we have heard from other colleagues this morning, and this year, tax freedom day—that is the day when Americans stop working for the Government and start working for themselves—will be announced by the Tax Foundation this morning and it could come as late as May 9, which would be later than ever before.

The average American family today spends more on taxes than it does for food, clothing, and housing combined. A typical median-income family can expect to pay nearly 40 percent of its income in Federal, State, and local taxes. This means, again, more than 3 hours of every 8-hour working day are dedicated just to pay taxes. In 1996, an average household with an annual income of between $22,500 and $30,000 paid an average of about $9,073 for food, clothing and housing, but they paid $11,311 in taxes. Households with incomes ranging from $45,000 to $60,000 averaged about $16,000 for basic necessities but paid more than $25,000 in taxes.

If the hidden taxes that result from the high cost of Government regulations are factored in as well, a family today gives up more than 50 percent of its annual income to the Government. If you want to put that in context, 50 percent to taxes, if you go back to the Boston Tea Party, that was staged over a one-half of 1 percent tax when the Revolutionary War started and people thought they were being taxed too high at one-half of 1 percent.

When the Government takes more, families get less. Between 1989 and 1995, the typical American family's real income fell by about 5.2 percent. Most economists point out that the decrease in income was the result of slow economic growth, and that is a direct result of higher Federal taxes.

We all recognize the children are our future of our Nation and that families are the foundation of our society, but Washington's deficit spending and high-tax policies have systematically ignored our children's future and severely have undermined the basic functions of the family. We must abandon the policies and help restore the family to an economic position that is capable of fulfilling its vital responsibilities and, therefore, we should provide American families with meaningful tax relief, allowing them to keep more of their hard-earned money.

Again, S. 2, the Family Tax Relief Act, is truly a progrowth, profamily tax-cut plan for working Americans. It will reduce taxes by $172 billion and with 95 percent of that tax relief going directly to middle-class families.

I am proud we have built our plan around the $500 per child tax credit which the taxpayers in Minnesota have asked me to make a top priority. The $500 per child tax credit means real relief and will return nearly $500 million to overtaxed Minnesota families every year.

Our plan will also expand individual retirement accounts for spouses and allow penalty-free withdrawal from an IRA for education, business startup and emergency expenses. It promotes savings in investment by lowering the antigrowth capital gains tax and takes on the damaging estate tax, or the death tax, that jeopardizes so many family businesses and farms.

By enacting these tax cuts, we can begin turning back the decades of abuse that taxpayers have suffered at the hands of their own Government, a Government that has been too often eager to spend the taxpayers' money with reckless disrespect. As the Government takes money out of the hands of private citizens, the Government itself keeps expanding. Even though President Clinton has proclaimed otherwise, he said the era of big Government is over, but the era of big Government is far from over. Despite a shrinking Federal deficit, the Government is getting bigger not smaller.

Total taxation is at an all-time high. So is total Government spending. According to the Congressional Budget Office, the Government will spend $9.4 trillion over the next 5 years, much of it going toward wasteful or unnecessary Government programs, and tax relief is the right solution because it takes power out of the hands of Washington's big spenders and it puts it back where it can do the most good, and that is with families.

By leaving $500 per child in the family bank account, taxpayers are then empowered to use it to directly benefit

their household. If you wonder what kind of impact that could have on a family budget, consider that for a family with two children, the $500 per child tax credit could pay for 3 months of groceries, nearly 20 months of clothing for the kids or your home mortgage for a month and a half.

The President's tax cut proposal, on the other hand, includes a mini-child-tax credit that only begins with $300 per child and increases to $500 per child 2 years later, but only to be eliminated entirely after that. Furthermore, the President's plan provides tax credit only to families with children under the age of 13. So only up to the age of 12, again greatly diluting its value.

We have 18.3 million teenagers age 14 to 18 in this country. As we all know, family expenses soar during those teenage years, so excluding this age group from the benefits of family tax relief simply makes no sense.

Let me focus for a moment also on the estate tax. Today, when a small business owner or a farm owner dies, the Federal estate tax confiscates 37 percent of his or her assets valued between $600,000 and $1 million. That rises to 55 percent of assets valued at more than $3 million.

Gifts valued at more than $1 million to grandchildren are also taxed at 55 percent. Many, if not most, businesses are severely crippled or forced to close by this unfair tax hit.

Family-owned and closely held businesses are the backbone of America's economy and a bedrock of the American culture. They must be preserved.

I am reminded constantly by proud family farmers in my home State of Minnesota—like Andy Quin, who is a corn farmer from Litchfield, and Don Buhl, a pork producers from Tracy—that if we are to preserve our proud, rural traditions, we must ensure that farming remains an attractive and viable profession.

Making it easier to pass the farm from one generation to the next should be a priority in Congress. I am also pleased that S. 2 includes a meaningful estate tax cut for small family business owners and for farmers.

Beyond the direct benefits to families, tax cuts can have a substantial, positive impact on the economy as a whole.

It was John F. Kennedy who observed that ''an economy hampered with high tax rates will never produce enough revenue to balance the budget just as it will never produce enough output and enough jobs.'' It was President Kennedy who said that.

And he was able to put his theories to work in the early 1960's, when he enacted significant tax cuts that encouraged one of the few periods of sustained growth we have experienced since the Second World War.

Twenty years later, President Ronald Reagan cut taxes once again. The reinvigorated economy responded enthusiastically as 19 million new jobs were created and take-home pay grew 13 percent between 1982 and 1989.

Madam President, let me now turn to the other question of whether we are able to balance the budget and provide tax cuts at the same time. The truth is we can absolutely do both at the same time, as long as we have the political will to do it. Many States have already proved that this can be done.

Some examples. While Washington was busy debating whether to give 2 cents of every dollar it collected back to working Americans, many States took action to lower their taxes.

In the State of New York, Governor Pataki cut taxes 15 times, returning more than $3.5 billion to New Yorkers in just 2 years. By the end of Governor Pataki's term, $13 billion will be returned to New Yorkers.

What is remarkable about New York is that the Governor provided tax cuts while balancing the budget. What is more, New York ran a $400 million surplus and it put the money into the State's rainy day fund for the first time since 1978.

Governor Rowland of Connecticut also cut taxes and balanced the budget. He turned deficits into a $250 million budget surplus in only the first full fiscal year of his term. Many other States, including New Jersey, Mississippi, Michigan, Iowa, and Arizona, have done the same.

My own State of Minnesota is another example. When Gov. Arne Carlson was elected to office in 1990, he inherited a deficit greater than $1.8 billion and a government that was spending 15 percent faster than the rate of inflation.

But the Governor cut spending by making the tough choices that elected officials are supposed to make, decisions that cut wasteful spending and cut taxes.

Thanks to that dedication, Minnesota today finds itself with a stronger economy, more jobs, and an unemployment rate of just 3.8 percent—that is well below the national average—and a $2.3 billion budget surplus. Now the Governor is planning to cut income taxes by 22 percent.

By balancing the budget and lowering taxes, those States have produced remarkable economic results: The 10 States that cut taxes the most have seen strong job growth, a 10.8-percent increase compared to a national average of 5.9 percent.

And also the top 10 tax-hiking States, they registered a zero job growth during that same period. No wonder even the State of Maryland has recently adopted a plan to cut tax by 10 percent. Madam President, I strongly believe we should follow the tax-cutting trend at the Federal level.

By implementing profamily, progrowth tax relief and creating a tax system that is more friendly to working Americans and more conducive to economic growth, Congress and the President can make our economy more dynamic, our businesses more competitive, and our families more prosperous as we approach that 21st century.

I strongly disagree with those who insist the deficit cannot be reduced as we simultaneously provide tax relief. The States have shown us that the deficit can be reduced, the budget can be balanced, and taxes can be cut at the same time.

After eliminating wasteful, redundant, and needless spending from the Federal budget, we can still allow for a spending increase while providing tax relief to working Americans.

To omit tax cuts from the budget resolution is not acceptable to Republicans seeking to deliver on our commitment to return money to the taxpayers.

Therefore, I support the alternative budget prepared by Senator GRAMM, a budget Democrats and President Clinton have supported that is based on the President's own numbers. It is a compromise for us that includes tax relief.

I also disagree with the suggestion that we should delay any tax cuts or separate our budget agreement from tax relief. Again, the taxpayers have been very clear on this: A recent USA Today/CNN/Gallup Poll shows that 70 percent of Americans want us to keep tax relief in our budget plan.

Despite what you hear from the arguments on the other side, 70 percent of Americans want us to keep our pledge to cut taxes.

Madam President, as I close, I am certain there is nothing we can ever do to make tax day an occasion to celebrate. But it is within our power to make it a great deal less painful. So we have made a promise. We must keep that promise. And let us give back that 2 cents on every dollar to America's hard-working families.

Madam President, thank you very much.

I yield the floor.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. I thank the Senator from Minnesota. I would like to get a copy of those remarks. They are very well stated.

I yield up to 10 minutes of my time to the distinguished Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. ABRAHAM. Thank you very much, Madam President.

Madam President, earlier this year I joined Senator ROTH and 32 of our colleagues in introducing Senate bill S. 2, legislation to provide American taxpayers with a $500-per-child tax credit, a reduction in capital gains taxes, an increase in the exemption from estate and gift taxes, and full access to IRA's for nonworking spouses.

I support this and other efforts to reduce the tax burden on Americans because, Madam President, we owe it to the American people. We owe it to the hard-working families who have build this country, to whom we owe our way of life and the honor and privilege of serving in this House.

S. 2 is necessary for the well-being of our families, Madam President for a number of reasons. Let me explain why.

To begin with, families today pay a higher proportion of their incomes in taxes than ever before in our history—almost 40 percent. That is more than food, clothing, and shelter combined. And it means that families have less money to spend on necessities, and less to save for their retirement and for their children's education.

S. 2 would address this tragedy through a $500-per-child tax credit. It would allow the typical American family to live better, and to save for a better future.

But there is much more to S. 2 than just these specific family fax provisions.

Suppose, for example, that your family, like most, is trying to save for retirement. This bill would make that task much easier. How? By cutting our capital gains tax—one of the highest and most punitive in the industrialized world.

By cutting the capital gains tax we would spur capital investment and increase the value of the mutual funds in which so many Americans invest, either directly or through their company pension plans.

Lest we forget, Madam President, well over half those who would benefit from the capital gains tax cut in this bill earn under $50,000 per year. And all Americans would benefit from the increased economic activity and competitiveness it would produce.

Now, let us say that your family owns a small business or a small farm. Right now you probably live in fear that, when you die, your family will have to sell the farm or business just to pay the estate taxes.

This bill will allow you to rest easy. It would do so by increasing the exemption from estate taxes on family-owned businesses from the current $600,000 to a more realistic $1 million.

Madam President, the Government should not be in the business of breaking up the family farm, or the family business. Under this bill we help eliminate that problem.

Now, suppose you belong to a family in which you have small children. Today, unfortunately, too many such families require two paychecks just to make ends meet.

Mothers of young children too often are pushed into the workplace, not by their own desire, but by economic necessity.

This bill would provide a full IRA deduction for nonworking spouses. This will help some mothers who do not want to work outside the home stay with their children. It also will provide much needed financial security to homemakers currently discriminated against by the tax laws.

A child tax credit that directly lowers income taxes. A capital gains tax cut that increases the value of retirement and other savings. An increase in the estate and gift tax exemption to protect family farms and family-owned businesses. A spousal IRA to provide financial security to spouses working in the home.

This, Madam President, is what our tax bill would provide. It grants much needed relief from a tax system that is out of control. It begins the long road back toward frugal, manageable Government and toward prosperity for our working families.

I urge my colleagues to give their full support to this much needed legislation.

I can assure this body that reducing taxes does not drain a government of its resource base. I also can assure this body that reducing taxes will create prosperity.

In my own State of Michigan, over the last 6 years we have cut taxes 21 times. The result has been dramatic. Six years ago Michigan had a deficit of $1.8 billion. Today it not only has a balanced budget, but it has a rainy day fund in which $1 billion is available to our State for tough times, should they come again.

Because of 21 tax cuts, we have an unemployment rate, for the first time in 30 years, that is consistently below the national average and below that of other industrialized States. In fact, last month our unemployment rate in Michigan was the lowest it has ever been in the history of our State as long as we have been keeping records of unemployment.

That experience, to me, is the kind of model we ought to use in Washington. For that reason, I believe S. 2 sets us in the proper direction.

Today, I noticed in my office there arrived, amid all the mail that comes to us, one piece of mail that I was not anxious to see. It was the tax returns that have been sent by my accountants for my wife and me. Our tax return is in there. I have not yet opened it. When I leave the floor after my speech, I am going back to the office to do that. I am going to be quivering as my hands reach for that envelope to open it up, because I am not sure exactly what the consequences are going to be.

But I am not going to be happy when I finally put in perspective exactly what the bottom line is, because whether we have, through withholding, satisfied our obligations for this year, I do not know. But I do and will soon know exactly how much we will be paying in taxes.

Our family is obviously not the average American family. But when I travel around my State and talk to average working families, the same kind of concerns, as April 15th approaches, are expressed to me time after time; families who say, ''Look. We work hard. We play by the rules. And every year it seems we have less to show for it.''

One reason that families have less to show for it is because the basis on which their taxes are calculated has continued to go up. As I indicated in my remarks, it is at an all-time high for the working family. As a collective, our country now takes more dollars to Washington as a percentage of gross domestic product than we ever have in the history of America.

We do not have the crises of a world war. We do not have the Vietnam war. We do not have a depression. We do not have the sorts of things that might justify an unusually high demand for the hard-working dollars of our taxpayers. But today we have 20.8 percent of the gross domestic product sent to Washington. Madam President, that is too high. It does not build the base for a strong economy in the long term.

The experiences in our State of Michigan, to me, make sense and ought to be emulated here in Washington. For that reason, I am glad to be here today, not just to support S. 2, but to speak at a very timely moment about taxes that are too high. It is time, as my colleague from Minnesota said, to balance the budget and do so in a way that lets the working families of our country keep more of what they earn.

That is one of the reasons I came to Washington and is certainly going to be something that I continue to speak out on as long as I am here.

I thank my colleague from the State of Georgia for putting together today's special order.

I yield the floor.

Mr. COVERDELL. I certainly thank the Senator from Michigan, not only for the legislation he is proposing but for the common sense rationale he brought to the floor today.

I would like to yield, if I might, Madam President, up to 10 minutes of my time to the distinguished Senator from Wyoming.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. ENZI. Madam President, thank you.

I rise today to address an issue that is of great concern to the people of the State of Wyoming as well as the citizens of America.

During my campaign last summer and fall, and again since I have taken office, I have traveled all across the great State of Wyoming. I have traveled from Cheyenne in the south to Sheridan in the north and from Evanston in the west to Sundance in the east and all of the counties in between. One message came through loud and clear from the citizens of Wyoming: Our tax system is too complicated and our taxes are too high.

Working families are forced to pay too much for their income to a bloated Federal Government. Small businesses, which are the backbone of the American economy, are strangled by a complicated and often punitive Tax Code. As the only accountant in the U.S. Senate, I have had to weed through a Tax Code which is frustratingly complex. And as a small businessman, I have experienced firsthand the Tax Code which all too often discourages individual enterprise and penalizes ingenuity. As a husband and a father, I

have felt the burden of working for nearly half a year to pay all the taxes levied by the Federal, State, and local governments. I promised the people of Wyoming that I would work to make the tax system simpler and fairer so that the taxpayers of Wyoming and America could keep more of their hard-earned money.

I should note that it has been the Republicans who have long been sounding the battle cry for lower taxes and smaller Federal Government. It was the Republicans who led the charge on the balanced budget constitutional amendment. And it is the Republicans who have shown the determination to provide meaningful tax relief for America's families. I was proud to be an original cosponsor of the balanced budget constitutional amendment. I am also proud to be a cosponsor of several bills that would get us closer to a simpler and fairer tax system.

With tax day now upon us, we are reminded of the impact our current tax system has on all of us. We are paying the price for a Government that has too long lived beyond its means. Like a child in a candy shop, the Federal Government hasn't met a sugar-coated spending project it did not like. To pay for its appetite, Congress has left the American people holding the tab with higher and higher taxes. It's time for Congress to rein in the Federal Government and ease the burden it places on America's taxpayers.

Since I was sworn in as a Member of the U.S. Senate, I have joined my Republican colleagues in cosponsoring legislation that would allow America's families to keep more of what they earn. The American Family Tax Relief Act includes a $500-per-child tax credit, substantial cuts in the capital gains rate, and sizable reductions in the punitive estate tax. This legislation helps families with children by returning some of their hard-earned money to them. The American Family Tax Relief Act encourages investment and frees up creative capital by lessening the penalty of the capital gains transactions.

I have cosponsored legislation that would help small businesses by allowing them a 100-percent deduction on health insurance coverage for their employees. This home-based business tax relief would put small businesses on a similar footing with the larger competitors who currently enjoy full deductibility of their employee's health care costs. It would also broaden the home office deduction so that parents and other individuals who choose to operate businesses out of their homes can receive more benefit from their expenses. This legislation encourages economic growth and creativity and lessens the tax burden on America's families. It would also take us another step closer to a Tax Code which sparks ingenuity and encourages family-owned business.

There remains little doubt in the minds of the American people that the Tax Code is in need of serious surgery. The present Tax Code is needlessly complicated and treats American businesses and individuals unfairly. One example of this is the alternative minimum tax. This tax system, first instituted in 1986, has imposed substantial hardships on capital-intensive businesses, like mining and manufacturing, in Wyoming and across America. These businesses are forced to compute their taxes under both the regular corporate method and the alternative minimum tax method. This affects the farms and ranches as well. And they have to pay the greater of the two amounts. This compliance is expensive for businesses, and it ties up valuable capital that could be used to expand their operations and provide new jobs.

The alternative minimum tax is a punitive tax because it effectively penalizes businesses that invest in equipment and structures necessary for the operation of their businesses. The current alternative minimum tax system is yet another example of why it is time to inject some common sense into the Internal Revenue Code.

Reform of the alternative minimum tax would simplify the Tax Code and make the accounting method more consistent with the regular corporate tax rules. This legislation would make the Tax Code fairer for thousands of businesses that are now at a serious tax disadvantage. It marks an important step toward restoring simplicity and integrity to America's tax system.

Reforming the alternative minimum tax depreciation allowance would work wonders for the American economy. One recent study estimates that the investment resulting from AMT reform would increase America's gross domestic product by $15 billion over an 8-year period. This would spur a surge in employment. Total jobs would roughly increase by 100,000 per year during a 5-year period. These jobs would be largely concentrated in the high-paying manufacturing sector of the economy. That is why this reform is needed so badly. The new high-paying jobs that would be available in my home State of Wyoming and throughout America will do wonders to improve our economy and the strength of our families. It is high time we give the American people the commonsense tax relief they so strongly desire.

Right now, we tax anything that moves, we tax what doesn't move, we tax it when you buy it, we tax it when you sell it, we tax you for living. One of the worst taxes of all is that we tax you for dying. We want you to be able to keep more of your own money to do what you know how to do best. As tax day quickly approaches, I urge my colleagues in the U.S. Senate to join me in giving the American people meaningful tax reform.

I thank the Chair and yield the floor.

Mr. COVERDELL. Madam President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has until 12 noon remaining.

Mr. COVERDELL. I believe that will be sufficient time.

I thank the Senator from Wyoming and all the others that have visited with America this morning from the Senate floor about the consequences of tomorrow, April 15. I think perhaps that day resonates among more Americans than even our more famous holidays.

I want to comment for a moment about the consequences of the data that was presented this morning by the Senator from Minnesota. He was talking about the impact of current taxation on American families and inferring that an average family forfeits about half of their income to taxation and the cost of Government. Specifically, we have taken a good look at this in Georgia. If you add up direct taxation—Federal Government, State and local government—and if you add on top of that the share that each family pays for the cost of regulation today, which is now approaching $7,000 per family, and if you add in the cost that an average family pays because of higher interest rates due to the national debt, which was created by the Federal Government over the last 30 years, which has spent 5-trillion-plus more dollars than it has, that adds up to 55 percent of their income. That is just stunning. And you wonder what is causing so much stress and behavioral changes in the American family? I suggest that before you look to Hollywood, you look to Washington. What else marches through their checking accounts and takes over half of what they earn?

To put it another way, I figure if somebody is taking over half of what I earn, they probably have more to do with my life than I do. And you can see the impact on those families in the number of families that have both spouses working and the fact that the average family isn't saving any money—what would they have to save—and the fact that bankruptcies are up; the fact that consumer debt is at an all-time high; the fact that we find more children without adult supervision; that the teenage suicide rate has quadrupled from 1960 to 1990; that SAT scores have plummeted, and the fact that families are smaller. These are all phenomena that are as a result of an oppressive economic policy from their own Government.

If you ask the American family what they think is a fair burden, it is real interesting that, no matter what economic strata they represent, they all come forward with the same answer: They think that a fair contribution for the services they receive from Government is 25 percent. So, in other words, it is over double what they think is fair.

Madam President, let's, for a moment, say that it is at least reasonable that, at a minimum, an American family worker would be able to keep two-thirds of their paycheck. Most people think that is a minimum. But given today's circumstances, that is a large

reach. Let's put this into real dollars. An average family in the State of Georgia—and this would equate pretty much across the country—makes about $40,000. So it makes it a lot more clear what our goal is. If we were going to adopt as a principle that we need to return to the worker at least two-thirds of the fruits of their labor to manage his or her family, that means that the goal for the U.S. Congress is to return or let them keep $8,000 more a year. That is a pretty significant undertaking. But if we set out to accomplish that, we will do enormous good.

If we can figure out how to leave another 20 percent of that paycheck in their checking account to be talked about at their kitchen table, we will see many, many positive results. We will see larger savings. We will see new companies forming because there is capital to invest in them. The job lines will be shorter. Interest payments will be less. The family will have an opportunity to make sound judgments about educating their families. They won't have as high a consumer debt on their credit cards because they will have their own cash in their accounts. The list just goes on and on.

I want to reiterate, what do all these numbers mean? They mean that for an average family in America, the Government is taking $8,000 out of their checking account that it really can't rationally claim and that is doing severe damage to these families—severe damage. They can't prepare for the future, for education, or retirement, or a health crisis. There is nothing left. They can barely get through the ABC's of running that family. There is no margin. You can't pick up a newspaper without reading about the distress in middle America. This is what causes it. We are choking the resources necessary for them to make healthy decisions about running their families.

Madam President, I hope that more and more Members of Congress will just write a very simple goal on their ledger: Let's go to work and fight to ensure that an American worker can keep two-thirds of what he or she makes. Let's resolve that the fact that they keep less than half today is unconscionable. If we could line up our forefathers here and they could see what we have done to the fruits of labor, they would be stunned and they would admonish us all.

Now is the time, in this 105th Congress, to start turning that around and leaving those resources in the checking accounts of American families.

Madam President, I see that the hour of noon has arrived. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WELLSTONE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

THE BILLINGS MONTANA STORY: ''NOT IN THIS TOWN''

Mr. BAUCUS. Madam President, I rise today to tell my colleagues about some events that took place in Billings, MT, a few years ago. It is the story of a town whose citizens decided that hatred and bigotry were not welcome in their community.

The people of Billings enjoy the high quality of life that only Montana can provide. The magic city is the largest city in Montana, but it still has the feel of a small town. Folks still say hi to each other on the street. Families go to the symphony in Pioneer Park during the summer. And neighbors still go out of their way to help someone when they need a hand.

That placid life was shattered in November 1993, when a group of skinheads threw a bottle through the glass door of a Jewish home. A few days later they put a brick through the window of another Jewish home—with a 5-year-old boy in the room. Then they smashed the windows of a Catholic high school that had a Happy Hanukkah sign on its marquee.

The events frightened and repulsed the citizens of Billings. They were shocked to find that hatred and violence had penetrated their peaceful community.

But the people of Billings did not allow this outside menace to take root. The community banded together. Thousands of people put menorahs in their homes. They showed the skinheads that they were united against hate. And that year, Billings held the largest Martin Luther King Day march ever in Montana. The skinheads left town. Billings showed that hatred can be overcome.

Madam President, the people of Billings didn't ask to be recognized. They just did what came naturally. Recently, the USA network has decided that the Billings story was worth telling to the world. With all the bad news out there these days, it is refreshing to know that someone wants to tell a positive story. The people of Billings can be a shining example to the rest of our country; Montana will not tolerate hatred in any way, shape, or form.

I commend the USA network and—most important—the people of Billings, for their efforts in making this country a more tolerant place for us all.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

NUCLEAR WASTE POLICY ACT AMENDMENTS

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 104, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 104) to amend the Nuclear Waste Policy Act of 1982.

The Senate resumed consideration of the bill.

Pending:

Murkowski amendment No. 26, in the nature of a substitute.

Reid (for Wellstone) amendment No. 29 amendment No. 26), to ensure that emergency response personnel in all jurisdictions on primary and alternative shipping routes have received training and have been determined to meet standards set by the Secretary before shipments of spend nuclear fuel and high-level nuclear waste.

Reid (for Wellstone) amendment No. 30 (to amendment No. 26), to express the sense of the Senate regarding Federal assistance for elderly and disabled legal immigrants.

Lott (for Domenici) amendment No. 42, (to amendment No. 26), to provide that no points of order, which require 60 votes in order to adopt a motion to waive such point of order, shall be considered to be waived during the consideration of a joint resolution under section 401 of this Act.

Lott (for Murkowski) amendment No. 43 (to amendment No. 42), to establish the level of annual fee for each civilian nuclear power reactor.

Mr. WELLSTONE. Madam President, I wonder whether I might, before I ask unanimous consent that the pending amendment be set aside and the Senate now consider amendment No. 29—I am actually waiting for my colleague Senator MURKOWSKI from Alaska, under courtesy—I wonder whether I might ask unanimous consent that I be able to speak for 3 or 4 minutes on another matter without this counting against my time.

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

Mr. WELLSTONE. I thank the Chair.

Madam President, I shall be brief and then go on with the amendment as soon as my colleague is here.

WELFARE ASSISTANCE FOR LEGAL IMMIGRANTS

Mr. WELLSTONE. Madam President, I wanted to call the attention of my colleagues and the people in the country to what I think is an important gathering here in the Nation's Capital. It is a gathering which focuses on the elimination of assistance for legal immigrants. The sponsors of this gathering have done over the years a great deal of work with the Soviet Jewry, and I guess we can now say Russia and other republics. And, of course, they are concerned about legal immigrants—Jews that have come from Russia or the other new republics, many of whom are elderly, many of whom have meager resources, and many of whom now as a result of action taken last Congress in the welfare bill will be without supplementary security income assistance and will be without food nutrition assistance.

What is important about this gathering, this rally, that is now taking place is that the sponsors have made it very clear that they don't want to focus just on Jews who have come to our country or who have fled persecution, but really on legal immigrants across the

board from many different nations. The message of this rally, I think, is that we are a nation of proud immigrants. We are talking about many of our parents and many of our grandparents. In my case we are talking about my father who fled persecution from Russia. It really is shameful what we did, which I think was an overreach, which I hope we will rectify this Congress—I think we must—which is that we eliminated assistance to many people. As Mayor Giuliani said, by definition people who are receiving supplementary security income assistance or food nutrition assistance because they are so low income and poor really need this help. So what we are now faced with is a situation in our country where over 500,000 legal immigrants are going to be cut off supplementary security income and over 1 million are going to be cut off from any food stamp assistance. In the State of Minnesota about 35,000 legal immigrants are going to be cut off SSI and about 15,000 off food stamps.

This rally is the first of many gatherings. I think we are going to see it all across the country, and it is going to be a combination of people who are scared to death. They are elderly, they are disabled, they can't work, and really all of the assistance is going to be cut off. The question is, What happens to them? The religious community is involved. Our county organizations are involved. Mayors are involved. Many Governors are now getting involved.

I want to say to colleagues that as a matter of what is right, as a matter of elementary justice, as a matter of compassion, as a matter of considering our own tradition, our own roots, our own heritage, we have to restore this funding. It is simply unconscionable. It really is shameful what we did last Congress. I hope that we will make this a huge priority when we go forward with our budget. Otherwise, we are going to see a lot of vulnerable people who came to our country, who have worked, who have paid their taxes, who were legal immigrants, who maybe have an income total of $525 a month, and they are going to see almost all of that assistance eliminated. The question becomes, What happens to these people? That is the question I have for my colleagues. What happens to these people? Are we willing to be so generous with the suffering of others? I don't think we can just insulate ourselves here and act as if this isn't happening around the country.

People have now received letters that have notified them that they are going to be cut off; that this assistance which has been a lifeline of assistance is going to be eliminated.

I will tell you something. In my adult life—and this is not an exaggeration—I don't think I have ever seen people so frightened. I have never met with a group of citizens nor have I have ever met with a group of people who are more frightened. I have never seen such fear in the faces of people. I cannot believe that we don't have enough goodness inside of us, enough compassion here to really fix this problem, change the course, and make sure that we provide some assistance to many people in our country who deserve our assistance.

NUCLEAR WASTE POLICY ACT AMENDMENTS

The Senate continued with the consideration of the bill.

Mr. WELLSTONE. I am going to for a moment, until the Senator from Alaska comes, suggest the absence of a quorum because the Senator is not here. In order to have debate, it is important that he be here, and I do not want to go forward with an amendment and not give him an opportunity to respond. So for a brief period of time, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. HAGEL). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. WELLSTONE. I thank the Chair. I welcome my colleague, Senator MURKOWSKI from Alaska.

AMENDMENT NO. 29 TO AMENDMENT NO. 26

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the pending amendment be set aside and that the Senate now consider amendment No. 29. My understanding is that we have an hour on this amendment to be equally divided.

The PRESIDING OFFICER. That is correct. Is there objection? Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada (Mr. REID) for Mr. WELLSTONE proposes an amendment numbered 29 to amendment No. 26.

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

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

The amendment is as follows:

On page 22 of the substitute, line 5, after ''(3)(B)'' insert the Secretary has made a determination that personnel in all State, local, and tribal jurisdictions on primary and alternative shipping routes have met acceptable standards of training for emergency responses to accidents involving spent nuclear fuel and high-level nuclear waste, as established by the Secretary, and''.

Mr. WELLSTONE. Mr. President, let me start out by giving some context to this amendment. I feel strongly that the Federal Government should live up to its obligation to take possession of nuclear waste. That is my framework. I am with this amendment not operating outside of that framework.

I also add that Minnesotans and other customers of nuclear power have been paying into a nuclear waste fund over the years, and the reason was and the understanding is that the Federal Government would make this commitment and live up to this commitment. That part of this legislation, that premise, I fully support.

Mr. President, I have been concerned in the past—and still am although I don't have an amendment today that deals with this—about what happens when the Federal Government actually takes title under this bill because I do think that over the years you are going to have a huge taxpayer liability. So while I want the Federal Government to be responsible and live up to its national commitment to do something about it, I worry about the transfer of over 10,000 years all of a sudden to the taxpayers. The GAO has estimated that the taxpayers' future burden could be about $77 billion. This is assuming a 100-year program. But we are talking about a program of nuclear waste that is over thousands of years.

Mr. President, concerns about this legislation. First of all, the legislation still attempts to skirt some of the requirements of the National Environmental Policy Act. There is a reason for that piece of legislation, and I do think, when you are talking about the transport of highly radioactive nuclear waste material, this is a time, if there ever was a time, when you want to have full environmental review, when you want to be absolutely certain that you are talking about the transportation of this kind of material taking into full account the health and safety and protection of families all across the country.

My esteemed colleagues from Nevada have discussed some of the risks and problems associated with transporting highly radioactive nuclear waste in their struggle against this bill. They also feel that Nevada has been unfairly singled out, and I respect them for that. My framework is a little different. But I do want to point out there are going to be some 16,000 shipments on our highways and our railways over the coming years. We are talking about some significant distance traveled. There are legitimate concerns that people have about the transportation of this highly radioactive nuclear waste material; people are going to be concerned about it, and in addition there is some debate about whether or not the containers themselves are safe.

We already transport hazardous materials, but I want to argue there is a significant difference when we are talking about nuclear waste material, especially highly radioactive nuclear waste. Consider it this way. If you have an accident involving nuclear waste as opposed to many hazardous wastes, you can have a dramatically different outcome. Radiation, without doubt, kills people, and it is a different scale we are talking about. God forbid—worst case scenario—we have an accident. We have to do everything we can to guard against that accident. We could be talking about something catastrophic. We cannot afford to have such an accident in our country which results in

this kind of radiation leak that could have such dire consequences for people, such dire consequences for our families, and therefore I think we have to do everything possible to assure safety. That is what this amendment is about.

Now, this bill calls for a transportation planning process, and I note—and I thank the distinguished Senator from Alaska—that part of the amendment I proposed last week calling for more public participation has been incorporated. That is to say, there is some language about public comment when it comes to these plans. But in Minnesota we currently have 641 metric tons of high-level nuclear waste and spent nuclear fuel. That is a conservative estimate. And by the year 2014 we expect there will be around 987 metric tons, all of which will travel the roads and rails of Minnesota and States between us and Nevada, if this bill succeeds. So I think we have to do everything possible to ensure the safety and security of these shipments, and I would add that I think to talk about public comment really does not go far enough.

Initially, our amendment said that in the actual planning process, as you chart out the routes, those citizens who are affected by the transportation of this material ought to be able to be involved in the planning process, as should local officials. They should at least be consulted. I did not say they would have a veto because I know that would not work. But I did talk about consultation. I did talk about involving citizens who will be affected, who are going to be worried about themselves and their families, and local officials who are going to be worried, I talked about involving them in a more integral and real and substantive way in the planning process. I wish that amendment had been accepted.

My friends from Alaska, Mr. MURKOWSKI, and from Oregon, Mr. WYDEN, have made sure that this legislation really does take some steps forward from the last bill. Grants can be provided for training, and in addition there are going to be training standards which are going to be set. I still think, again, that we have to do everything possible to ensure the safety of these shipments. We have to do everything possible, leave no stone unturned, in making sure that we prevent the worst case scenario, which could be a nightmare scenario for our country. If we do not do that, we are going to be asking ourselves, when such an accident takes place, did we do everything possible when we transported this poisonous waste all across America.

The brave men and women who are likely to be first on the scene when an accident occurs, local firefighters, do not support this bill because they believe it inadequately provides for their needs such as the training, funding, and technical assistance.

I ask unanimous consent that a letter from the International Association of Firefighters be printed in the RECORD.

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

INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS,
Washington, DC, April 14, 1997.

Hon. PAUL WELLSTONE,
U.S. Senate,
Washington, DC.

DEAR SENATOR WELLSTONE: On behalf of the nation's more than 225,000 professional fire fighters, I wish to express our enthusiastic support for your amendment to S.104 which would ensure that emergency response personnel along the proposed shipping routes are adequately trained to respond to an emergency incident.

Currently, only a fraction of all emergency responders have adequate training and equipment to respond to an incident involving radiological material. Indeed, more than 40% of the fire departments along the proposed routes do not even meet minimum training requirements for basic hazardous materials response. The training needed for radiological materials is far more complex.

Put quite simply, America's emergency responders are currently not equipped to deal with an incident along the routes to the Yucca Mountain facility. If an incident were to occur, whether it be an accident or a terrorist act, lives would be unnecessarily lost because the local emergency response personnel lack the necessary training and equipment to effectively respond.

We are indebted to you, Senator, for your leadership on this vital public safety issue. Please feel free to call on us if we can be of any assistance to you.

Sincerely,

ALFRED K. WHITEHEAD,
General President.

Mr. WELLSTONE. I thank the Chair.

Mr. President, what the firefighters are saying is, look, you are going to have $150,000 which is going to be offered by each State that is to be affected by this along this transportation route but the question we are asking, says the firefighters, is how do we know that in 2 years or 5 years we are going to be ready? We want to make sure there is enough funding for our training, and we want to make sure we are adequately prepared for this because it is our responsibility to protect the citizens in our communities.

I am told that the International Association of Firefighters, which represents 95 percent of professional firefighters in the United States, did a survey of departments along a potential test shipping route in Ohio, and they found that 40 percent of the departments along the route were not prepared, according to current standards, to deal with hazardous material accidents. Let us face it. When it comes to hazardous material and when it comes to highly radioactive nuclear waste, we are going to try, whether it be by rail or road, to go in the less populated of our rural areas. And by the way, all too often, people in rural America are familiar with the saying let's go where fewer people live, but they say there may be fewer of us but we count as much as anybody living in any metropolitan area.

We are also hearing from a lot of communities: We are worried that we are not going to be trained; we don't feel we are even ready when it comes to the transportation of hazardous materials.

So, Mr. President, let us assume the grants have been made and a State takes advantage of these funds. Two years pass and shipments of nuclear waste begin to pass through the State. What guarantee do we have that local fire departments are fully trained and equipped and that if the worst thing possible happens, they can respond in such a way as to minimize disaster.

What this amendment says is that the Department of Energy must determine—in other words, we talked about training. We have talked about some grants, but nowhere in this piece of legislation do we have the fail-safe, ironclad guarantee that as a matter of fact these local fire departments, these local emergency response personnel will have received adequate training. This amendment proposes that the Department of Energy must determine that emergency response personnel along the routes where over 16,000 shipments of highly radioactive waste will pass have met an acceptable standard of training before these shipments begin. That is all this amendment says.

Again, what we want to do is to verify that these brave men and women—they are asking this. They are going to be on the frontline, the first line of response to an accident, people who are going to be putting their lives on the line—in fact have received the training they need. This amendment says that no shipments will occur until the Department of Energy has determined that the emergency response personnel in all jurisdictions along a given shipping route will have met an acceptable level of training. It seems to me that is very reasonable. I think this is a logical extension of the Wyden amendment in committee.

Yes, we have some funding, although we do not know whether it is going to be enough. Most communities do not think it is. Yes, we have some training standards. But what we are saying is we have to make sure, above and beyond some funding and some standards for acceptable levels of training, that level of training is met before any deadly cargo under this bill hits the road. In other words, no training, no shipments. That is a pretty reasonable amendment.

This bill in its current form calls for training standards to be established by the Department of Transportation, but I am concerned that the bill is ambiguous at best about who is really responsible for making sure these standards are met. That is what this amendment speaks to. By requiring the Secretary of the Department of Energy to determine that every jurisdiction has met the standards, this amendment holds the processor of the waste responsible for making sure all safety precautions have been taken.

If requiring a determination by the DOE just simply adds one additional

signoff to this process, then I say this makes all the sense in the world.

One more time. What we have is a situation where we are going to be talking about the shipment of highly radioactive nuclear waste. This is of a different order than hazardous material. We have the firefighters and other people who are concerned about this living in the local communities saying we are worried about whether or not we are going to receive adequate funding for training and whether or not we are in fact going to be trained.

There is some funding. I do not think it is going to be enough. We do not want this to become an unfunded mandate. And there is some setting of the level of standards by the Department of Transportation but nowhere in this legislation do we have a clear line of accountability that as a matter of fact firefighters and other local safety personnel will be trained to deal with a crisis if they have to do so.

It seems to me that the very least we can do is to make sure that happens.

Let me simply conclude by quoting the last part of this letter from the International Association of Firefighters:

> Put quite simply, America's emergency responders are not equipped to deal with an incident along the routes to the Yucca Mountain facility. If an incident were to occur, whether it is an accident or terrorist act, lives would be unnecessarily lost because the local emergency response personnel lack the necessary training and equipment to effectively respond.

All this amendment does is say let us make sure, Department of Energy, you are accountable; you have to make a determination that before we ship this waste, the local fire departments, the local safety personnel have, in fact, received the training and they are equipped to deal with, if, God forbid, there is, a serious accident. I believe this amendment should be accepted. It is imminently reasonable, and it seems to me we ought to take every step necessary to make sure we guarantee the safety and security of people in our communities.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 16 minutes.

Mr. WELLSTONE. Mr. President, I reserve the rest of my time to respond to my colleague.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. I thank the Chair.

I very much appreciate the amendment from my friend from Minnesota, and I know of his interest in this matter because there is substantial amounts of spent nuclear fuel from reactors in Minnesota. I am sure the Senator from Minnesota is aware of the transportation route where high-level nuclear waste has been transferred across the United States, some 2,400 shipments, and I have a map here that shows the manner in which these shipments have occurred from 1979 to 1995.

I think the Senator was out in his State Friday when we were talking about this. This chart shows that shipments of nuclear waste have been made over an extended period of time, all over the Nation. And during those 2,400 shipments there have been seven accidents. Most of those accident were minor ones. In the most serious accident, the tractor trailer swerved off the road to avoid another car that was out of control, turned over and the cask rolled off. But there was no leakage of radioactivity. The cask did not break. It was not perforated in any manner or form.

As the Senator from Minnesota knows, this type of nuclear waste, while it is highly radioactive, does not go up in the air and vaporize or move with the wind currents or whatever. It has a tendency, because of its weight and denseness, to stay wherever it occurs. And these are high-level waste rods from the reactors.

I think the intent of the Senator from Minnesota is parallel with my own intent. We want to safeguard, in every possible way, the transportation of this material.

Here is an example of the type of truck and the cask. You can see the cask up on top. These have been designed to withstand any foreseeable accident of any kind that would be determined to be possible on a highway. In testing, they have been dropped. They have been hit by trains. They have been incinerated and so forth. I go into this detail, not to suggest there could not be some type of accident that would cause a penetration but, clearly, the best scientists, the best engineers we have have concluded that these casks have been designed in such a way as to survive real-world accidents and ensure the public safety.

The concern the Senator from Alaska has, relative to the amendment offered by my friend from Minnesota, is how to determine just what is adequate, relative to training? I think, if you look at the safeguards we have attempted to put in S. 104, we have put in funding for technical assistance for emergency responders along the routes to be used to transport the fuel. The Wyden language, which we adopted, provided more detail. Rigorous provisions regarding route selection and training for emergency responders were included. We had left it to the Department of Transportation to choose the preferred routes. Again, considerations in route selection would include concerns over population, hazards, shipping time, and so forth.

But I want to point out to my friend that this is nothing new. The only reason these other 2,400 shipments were not news is because nothing happened. These were in connection with moving high-level material from experimental reactors and other reactors around the country for disposition. So, to suggest that what we have had before was adequate is inconsistent, I think, with reality. The question we are looking at now is, Can we do everything possible to ensure that we have the safest possible transportation route and have made the maximum effort to protect public safety? It is also important to recognize that this plan is fully integrated with State notification, inspection, emergency response plans, as well as should it go through any tribal or native lands.

It also grants at least $150,000 in State and tribal funding. I think this was something the Senator from Minnesota brought up in his debate. If there is no training, there are no shipments. That is a provision of our bill. We make it clear the Department of Energy cannot transport fuel under this act unless the technical assistance and funding required by the bill have been provided for at least 3 years prior to the shipments. As I understand the Wellstone amendment, it would add as a requirement that the Department of Energy make a formal determination that personnel along the routes have met acceptable standards of training for emergency response to accident. It does not provide additional training. And it requires the Department of Energy to make an official determination.

My concern, and I am sure the concern of the Senator from Minnesota, is to get this stuff moved out of his State. That is a legitimate concern that he and others have, other States have, where this material is piled up. So we have to make sure we do not tie this process up in litigation so every State or every tribe or every local community could come in under a determination of adequacy. I am concerned here as to how I can meet the concerns of the Senator from Minnesota and still ensure that we have a viable and practical situation where this oversight does not throttle our objective here, and that is to move this material to an appropriate repository.

I am concerned if this amendment is adopted as it is now, we might find ourselves tied up in litigation and it would not be that the DOE had or had not followed the Department of Transportation's regulations to the letter. I do not think it matters that the Department of Energy has followed the NRC regulations with care and precision. It might not matter the Department of Energy has integrated emergency response plans with all the State tribes. And it will not matter the DOE has provided funding for emergency responders. What will matter is we might have a lawyer along the way who has decided that a new volunteer fireman has not had acceptable level of training. The next thing you know, the Department of Energy is in court trying to prove that every individual firefighter along every single route has been trained to an acceptable level. I do not know how we are going to prove that. What is an acceptable level? That would be in the eyes of a court to determine.

I just wonder if we might confer a little bit, or perhaps here on the floor, if the Senator wished, to discuss how we

would address that concern of what is acceptable, because I think we both want to get there from here. I would defer to my colleague, on my own time.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Let me thank the Senator from Alaska. I have some ideas about how we might do that. I wonder whether I might yield some of my time to the Senator from Oregon. While he is speaking, the two of us might talk this over.

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

Mr. WELLSTONE. If the Senator from Oregon is not ready, I wonder whether or not I could, just for a moment, call for a quorum call that would not be charged to either side so we might be able to discuss this. I ask unanimous consent.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. MURKOWSKI. Mr. President, I have conferred with the distinguished Senator from Minnesota with regard to the suggestion that has been made for a change in the wording of the amendment, by adding the word ''preliminary.'' That would be in line 2. It is my understanding the amendment would read:

On page 22 of the substitute, line 5 after ''(3) (B)'' insert, ''until the Secretary has made a'' [and the additional would be ''preliminary''] ''determination. . . .''

The rest of the amendment would be the same.

That is satisfactory to our side. I leave it up to the other side for discussion and analysis, but we are prepared on this side to accept the amendment in that form.

Mr. REID. We object to the modification. Objection.

The PRESIDING OFFICER. It would take unanimous consent to modify the amendment. Objection is heard. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I understand I had been clear with colleagues from Nevada about this amendment. I always—my own people have their own goals here. I really do believe something has to be done. The Federal Government has made a commitment and I want to see the Federal Government live up to it.

What I was trying to do in this amendment is to assure the safety and security of the shipments. I understand why my colleagues have taken the position they have taken. I say to the Senator from Alaska that I do think the change that we proposed on preliminary determination makes good sense. I am sorry we cannot do this.

Mr. President, I yield to the Senator from Alaska.

Mr. MURKOWSKI. I wonder if it would satisfy the Senator from Minnesota if I gave him a commitment that we would accept his amendment, at least I would attempt to accept his amendment, in conference, because, obviously, I will be on the conference committee.

I would accept the underlying amendment now with the provision that I would give him my commitment to do my very best in conference to adopt his amendment, but I am willing to accept the underlying amendment now.

Mr. WELLSTONE. Mr. President, I want to again suggest the absence of a quorum for a moment. My concern is—I have no reason to doubt the good work of my colleague from Alaska—but I sometimes have not fared so well in conference committee, and I am a little worried about it. I have to make a decision. I think it would take unanimous consent to do it.

Mr. MURKOWSKI. I think there is a misunderstanding. I am prepared to accept the amendment with the commitment that I will try to get the Senator's revision which we talked about—adding the word ''preliminary''—adopted in conference.

Mr. WELLSTONE. I see. Mr. President, I do not need time to confer with my colleague from Alaska on that. I am pleased that he is willing to do so. We do not need a vote on it if the Senator from Alaska will accept this amendment. I have some additional time. Maybe my colleague from Oregon, who has done so much work on this, might want to speak on this amendment for a moment. Does the Senator from Oregon want to speak for a moment on this?

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I thank the Senator from Minnesota for yielding me time.

Transportation of defense- and commercial-grade nuclear fuel and high-level radioactive waste is a great concern to the people of Oregon. Virtually every shipment to and from the Department of Energy's Hanford site requires at least 200 miles of transport on the roads in our State. As we have heard these past several days, the transportation of spent nuclear fuel and high-level radioactive waste is a major concern to many Senators on both sides of the aisle in this debate with respect to how to handle nuclear waste in the next century.

During the Energy Committee markup on S. 104, my amendment on transportation safety of spent nuclear fuel and high-level radioactive waste was adopted. A key component of that amendment is the no shipments if no training provision. It literally means what it says, that there will be no shipment of spent nuclear fuel or high-level radioactive waste through the jurisdiction of any State or reservation lands of any Indian tribe eligible unless technical assistance and funds to implement procedures for the safe routing transportation are available for at least 3 years prior to any shipments.

This provision was carefully crafted to ensure safe transportation while also preventing anyone from using this provision to obstruct shipment by refusing to accept the grants or by failing to use the grants for training.

Senator WELLSTONE's amendment further tightens this requirement, and, it seems to me, Mr. President, that our Government, built on checks and balances, ought to be ensuring this kind of mechanism, the kind of mechanism envisaged by the Senator from Minnesota, to ensure accountability and to ensure public safety.

I also point out that it is not necessary to reinvent the wheel to transport spent nuclear fuel or high-level radioactive waste. What this amendment does, as did the amendment that I offered in committee, is to essentially build on the good system already in place to provide for the safest method possible for the transportation of spent nuclear fuel and high-level radioactive waste. That is the system now being used for the transportation of plutonium from the Hanford nuclear reservation and other Department of Energy facilities to the WIPP facility in New Mexico.

For the past 5 years, the Department of Energy has worked cooperatively with States and Indian tribes to develop the WIPP Land Withdrawal Act transportation system. It has been applied with success to a variety of shipments of nuclear materials moving literally from coast to coast. The Department of Energy has been working well with Western States in preparing shipments of transuranic wastes to the WIPP facility.

I believe the WIPP Act, which the Senator from Minnesota builds on with his amendment, takes the right approach to address issues such as advance notification to the States of shipments, agreement of avoiding adverse weather conditions, qualification of carriers and emergency training and response of emergency responders. I do believe that this issue is one of bipartisan concern.

In the Senate Energy Committee, my colleague from Oregon, Senator SMITH, joined me in offering the amendment that was adopted in committee, now strengthened by the Wellstone amendment.

I thank the Senator from Minnesota for yielding me this time, and I am very hopeful that it will be possible on a bipartisan basis to accept the Wellstone amendment, which I believe builds on the progress that was made in committee with respect to tightening safety measures, to proving accountability for moving these dangerous wastes across the country.

I thank the Senator from Minnesota for yielding me time.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I probably only have a couple of minutes left. Let me thank the Senator from Oregon and also, again, my colleague from Alaska. I do think this is a logical extension of what the Senator from Oregon had done in committee. I do think, again, what we want to make sure of is that there is enough funding, and, of course, we are talking about setting standards by the Department of Transportation, and the Department of Energy will be involved in it. We want to make sure, in fact, those standards have been met.

I would like to thank the National Association of Firefighters and the firefighters of Minnesota. What they have said is, ''Look, we want to make sure you have some kind of process, some kind of fail-safe mechanism to make sure we are adequately trained to deal with this disaster.'' That is what this amendment does. It holds someone accountable—the Department of Energy. It says the Department of Energy is going to make a preliminary determination, whatever the operative language is, that, in fact, before we have the actual transportation of this highly radioactive nuclear waste material, that the local personnel, firefighters, and others, are ready, trained and equipped to deal with an emergency if they have to do so.

I am very pleased that my colleagues have accepted the amendment. I yield the floor.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. How much time does the Senator from Minnesota have?

The PRESIDING OFFICER. Seven minutes 45 seconds.

Mr. REID. Will the Senator yield me 3 or 4 minutes?

Mr. WELLSTONE. I will be pleased to yield the final 7 minutes to the Senator from Nevada.

Mr. REID. Mr. President, let me say to my friend from Minnesota and my colleagues, I think this amendment improves the bill, but it is still a lousy bill. This bill is opposed by every environmental organization in America. We know from the record that has been laid before this body that you cannot transport nuclear waste at this stage safely. The dry cask storage containers simply will not allow it. If you go 30 miles an hour, have an accident and there is a fire, you are in big trouble carrying this product.

This is a bad bill. It is a bad bill for the environment. As indicated by the experience in Germany, you cannot transport nuclear waste. I say to anyone who has any care about the environment, listen to what the environmental community is saying about this legislation. This legislation is bad. This amendment, while directed toward safety procedures for transporting nuclear waste, is a pinpoint in the universe. It does not help the legislation. This is bad legislation, as indicated by the scientific community and the environmental community.

I yield back the remainder of the time.

Mr. WELLSTONE addressed the Chair.

Mr. REID. Mr. President, I thought the Senator left the floor. Whatever time is left is under the control of the Senator from Minnesota.

Mr. WELLSTONE. Before I go forward with the second amendment that I think is next in order, previously agreed to, I would like to suggest the absence of a quorum just for a few minutes, no more than 5 minutes, and then I will be ready to offer that amendment.

Mr. President, I suggest the absence of a quorum without it being charged to either side.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. MURKOWSKI. Mr. President, it is the intent of this side to not prolong this discussion. Therefore, I am willing to yield back the remainder of our time on this side. It will be my intention to have a voice vote, I believe, to dispose of the amendment.

The PRESIDING OFFICER. The Senator from Minnesota has 5 minutes remaining on his time.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. REID. Mr. President, I have been informed that my colleague from Minnesota is willing to yield back the remainder of his time. So I yield back, on behalf of Senator WELLSTONE, the remainder of his time. It is my understanding that there is no time left on either side.

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

The amendment (No. 29) was agreed to.

Mr. MURKOWSKI. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. WELLSTONE. Mr. President, I say to my colleague, if he would be gracious enough to give me 2 more minutes, I will be ready with the second amendment. I have looked at the second-degree amendment, and I think we will be able to work together. If I could have 2 more minutes. I suggest the absence of a quorum, with the time not to be charged to either side.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

AMENDMENT NO. 30 TO AMENDMENT NO. 26

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the pending amendment be set aside and that the Senate now consider amendment No. 30.

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

The clerk will report.

The bill clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE] proposes an amendment numbered 30.

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE REGARDING FEDERAL ASSISTANCE FOR ELDERLY AND DISABLED LEGAL IMMIGRANTS.

It is the sense of the Senate that Congress should take steps to ensure that elderly and disabled legal immigrants who are unable to work, will not be left without Federal assistance essential to their well-being.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, let me start off by reading a March 19, 1997, article in the New York Times about Luz Gross, 88 years old, a widow who resides in New York City. She is from the Dominican Republic and is suffering from severe Alzheimer's.

When asked when she was born, Mrs. Gross says, ''When I came to the United States, I wasn't born.'' Asked if she wanted to become a citizen, she began talking about her childhood when she lived close to the sea in Santo Domingo.

Mrs. Gross' only child Felix is 72 himself, retired and living on $10,320 a year from Social Security and a small union pension earned after working 18 years as a building handyman in Manhattan. He visits his mother every day repairing whatever breaks in her apartment and watching television with her. But he said he cannot afford to support her, and there is no room for her to live in his small one-bedroom apartment. ''I feel in denial,'' he said. ''I can't believe this is happening.''

Mr. President, Nouphanh is 65 years old, and she has been in the United States since 1984. Before she left Laos, she had no access to education because her parents moved from place to place to get away from the war. She does not understand English and has no family here. She is alone. She is on disability income, $484 a month, and she lives in a housing project. She is severely depressed and currently undergoing treatment. She says, ''Sometimes in this country I feel like I am deaf, I am

blind, I am mute, because I cannot learn English.'' Every day she lives in fear, and every day she asks herself what will happen to her if she does not have SSI and food stamps.

Mr. President, let me, one more time, bring to the attention of my colleagues this amendment. I am hoping for a good, strong, positive vote. It is the sense of the Senate that Congress should take steps to ensure that elderly and disabled legal immigrants who are unable to work will not be left without Federal assistance essential to their well-being.

Mr. President, I said it earlier before my colleague arrived. The reason that I bring this sense-of-the-Senate amendment to the floor of the U.S. Senate today is because I think we are confronted with the fierce urgency of now—Arizona being one good example of one State in the country—we have all heard from legal immigrants and we have all heard from 80-year-old women living alone, and partially disabled. They have received letters. They are now, as a result of the legislation we passed last year, going to be cut off assistance. They are terrified. They live in fear.

I said earlier, and I am not being melodramatic, I was a community organizer for 20 years before I was fortunate enough to become a U.S. Senator from Minnesota. I have worked with lots of people who have been struggling with lots of different issues, many of them very poor, and I have never in my whole life seen people with such fear in their faces. I have never seen people so terrified.

Mr. President, what in God's name does eliminating supplemental security income and food nutrition assistance for an 80-year-old Hmong woman, partially disabled, living alone in Minnesota have to do with reform? It is not reform. It is unconscionable. It is shameful.

Mr. President, I said earlier I am going to have a chance to speak at a rally this afternoon, going on right now, organized by groups and organizations that have worked with Soviet Jewry over the years. I am the son of a Jewish immigrant who fled persecution in Russia. Maybe that is why I feel so strongly about this. But, Mr. President, it is not just Jewish immigrants from Russia or Eastern Europe; it is legal immigrants, people who have come to our country, many of whom have worked and paid taxes.

There have been reports by the Urban Institute and others that show that these legal immigrants have given much more to our country in taxes than any benefit that they have ever received.

Mr. President, last Congress we passed a piece of legislation, all in the name of deficit reduction, that eliminated $22 billion worth of assistance to these vulnerable citizens. Mr. President, it was easy to do. They are among the most vulnerable citizens in this country with the least amount of political power and, therefore, we chose to make the cuts there.

But, Mr. President, I think there is goodness—I am sorry—in my colleagues. I think we did not realize what we were doing. That happens often. I have voted for legislation for which I did not fully understand all of the consequences, and later on I changed my mind. Please, let us change our minds.

We are hearing from our Governors, Mr. President. We are hearing from our mayors. We are hearing from our county officials. They are all saying, ''Wait a minute. These people, by definition, on supplemental security income are not going to make it to self-sufficiency.'' By definition we are talking about people who are either very elderly or people who are disabled and people who need the support.

Mr. President, at one of many community meetings I attended in Minnesota there was a man who came up to me who was a Hmong. He fought on our side during the Vietnam war. He has—I know this is hard to believe; but it is true—he has one bullet still in his brain and one bullet still in his knee. He is disabled. We are going to eliminate his supplemental security income assistance. What does that have to do with reform?

Mr. President, I was at a gathering on the west side of St. Paul. I will never forget it. It sent chills down my spine. A woman came up to me. I thought that she was 80. She was bent over. Certainly she looked every bit 80 years of age. She came up to me, and her hands were shaking, and she began to wail. That was the kind of crying that she was doing. She began to wail. And she had in her hands a picture of her husband, and then I realized he was my age and, therefore, she was probably about my age. Her husband fought in the Vietnam war.

Again, she was a Hmong who came over to our country. We have a large Hmong community in Minnesota. Her husband apparently had just passed away about a month earlier.

Mr. President, this woman is not going to learn our language. She is not going to become a citizen. But these people fought the war in Indochina. They came to our country. We made a commitment that there would be some assistance for them. She has nowhere to go. She has nowhere to go.

What I hated about that community meeting, and what I hate about all of these meetings, is that I keep thinking to myself, people really think that as a Senator from Minnesota I can change this. It scares me, because I am afraid we will not do anything at all.

Mr. President, this sense-of-the-Senate amendment is an amendment that I think all of my colleagues can vote for. It does not specify a course of action that we should take. But it at least gives the religious community, all of the legal immigrants, and many local officials who feel like we are dumping the cost on them some assurances. Much less it gives us some reassurance that we have rediscovered part of our soul again if we would at least go on record saying it is the sense of the Senate that Congress should take steps to ensure that elderly and disabled legal immigrants who are unable to work will not be left without Federal assistance essential to their well-being.

Mr. President, I think it would be a very important statement for us to make. I think this is a very important position for us to take. We are heading into the budget negotiations. We are hearing from people in our States. We are hearing from people in the country. And that is why I come to the floor of the Senate.

I told that Hmong woman, who was about 50 years of age, though she looked like she was going on 80—she has had such a difficult life, holding the picture of her husband, no longer alive, who served on our side during the war in Vietnam—I told her, through a translator, because she does not speak English, all these people who have come to these community meetings, that although I did not know whether I would win or not, I would come to the floor and fight for people.

This is just the beginning of this effort. I am lucky to have a strong colleague, LUIS GUTIERREZ, in the House who is pushing very hard. I am really hoping Senators, Democrats and Republicans alike, will accept this amendment or will vote for this amendment. It is time that we correct this.

We did the wrong thing, colleagues. You may not agree with me on all issues, and I know quite often you do not, but we did the wrong thing. These are people that we should not literally throw out in the cold. These are people who really need this assistance. These are some very good people. These are, for many of us, our parents or our grandparents.

Mr. President, we have to do something. We have to take some corrective action, and this amendment, I think, is the beginning of our doing that.

I yield the floor.

I reserve the remainder of my time.

Mr. MURKOWSKI. I yield to the Senator from Oregon.

UNANIMOUS-CONSENT REQUEST

Mr. WYDEN. Mr. President, I ask unanimous consent that Ms. Moira Shea, a congressional fellow in my office who is visually impaired, be granted floor access during the course of debate on S. 104, the Nuclear Waste Policy Act, and that Ms. Shea's guide dog also be granted floor access during the course of debate on S. 104.

Mr. REID. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I shall not personally object because I have no personal objection to the request of my friend from Oregon, but on behalf of another Member who just called the cloakroom, I do voice an objection.

The PRESIDING OFFICER. Objection is heard.

Mr. WYDEN. Mr. President, in light of the objection, I ask unanimous consent that I be permitted to proceed for 10 minutes as in morning business for the purpose of submitting a resolution.

The PRESIDING OFFICER (Mr. KYL). Is there objection? Without objection, it is so ordered.

(The remarks of Mr. WYDEN pertaining to the submission of Senate Resolution 71 are located in today's RECORD under ''Submission of Concurrent and Senate Resolutions.'')

AMENDMENT NO. 44 TO AMENDMENT NO. 30

(Purpose: To express the sense of the Senate regarding assistance for elderly and disabled legal immigrants.)

Mr. MURKOWSKI. Mr. President, I have a second-degree amendment to the Wellstone amendment, which I understand may be acceptable. Therefore, I ask unanimous consent to offer the second-degree amendment at this time on behalf of Senator LOTT. The only change it would make to the Wellstone amendment would be to add the words ''the President'' on line 2—* * * that the President, Congress, the States, and faith-based and other organizations * * *'' et cetera. I send this second-degree amendment to the desk.

The PRESIDING OFFICER. Without objection, the amendment will be in order at this time.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. MURKOWSKI], for Mr. LOTT, proposes an amendment numbered 44 to amendment No. 30.

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:

In the pending amendment, strike all after ''SEC. .'' and insert the following:

''SENSE OF THE SENATE REGARDING ASSISTANCE FOR ELDERLY AND DISABLED LEGAL IMMIGRANTS.

''It is the sense of the Senate that elderly and disabled legal immigrants who are unable to work should receive assistance essential to their well-being, and that the President, Congress, the States, and faith-based and other organizations should continue to work together toward that end.''

Mr. WELLSTONE. Mr. President, first of all, I ask unanimous consent that I be included as an original cosponsor of this amendment.

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

Mr. WELLSTONE. Mr. President, I thank my colleague. I came to the floor of the Senate today to try to make sure that we make a commitment, albeit a preliminary commitment. I will read the operative language. ''* * * take steps to ensure that elderly and disabled legal immigrants who are unable to work, will not be left without Federal assistance essential to their well-being.''

I believe that, ''It is the sense of the Senate that elderly and disabled legal immigrants who are unable to work should receive assistance essential to their well-being, and that the President, Congress, the States, and faith-based and other organizations should continue to work together toward that end,'' is in the same spirit.

We are going to have to define this with concrete language and with a decision made about investment of resources. I think it is an important step forward. I thank my colleague from Alaska. I would be pleased if we could have a voice vote if that is what my colleague wants to do.

The PRESIDING OFFICER. Is time yielded back on the amendment?

Mr. WELLSTONE. I yield back our time.

Mr. MURKOWSKI. I yield our time.

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

The amendment (No. 44) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 30

Mr. MURKOWSKI. Mr. President, has the first-degree amendment been adopted?

The PRESIDING OFFICER. The first-degree amendment has not been adopted. The question is whether Senators yield back their time on that amendment if they wish to vote.

Mr. WELLSTONE. I yield back my time.

Mr. MURKOWSKI. I yield back my time and urge adoption of the amendment.

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

The amendment (No. 30) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. MURKOWSKI. Mr. President, I believe we are waiting for another Member to come down to the Chamber. We have two more amendments, is my understanding.

Mr. President, I think it is fair to say that no Member of this body intended, by any means, that last year's welfare bill would place the elderly and the disabled legal immigrants out of their residence and into the streets of this country. I am sure that when our President signed the reform bill, that certainly was not his intention.

Since the bill was signed into law, many State Governors have attempted to address the concerns raised by my good friend from Minnesota. Many of the State's Governors and representatives have large budget surpluses that can be used to alleviate some of the potential problems that have surfaced. That is not in all States, by any means, but in those that have that capability, I think there is an appropriate expenditure suggested. In addition, the Immigration and Naturalization Service has recently issued new guidelines that should facilitate citizenship applications by many elderly disabled immigrants.

Mr. President, I am certain that Congress, working with the administration, State Governors, and other organizations, will surely come up with a solution that ensures the well-being and safety of all legal immigrants, especially the elderly and the disabled. This is not to suggest, however, that we are going to rewrite the historic welfare legislation we passed last year. As many colleagues stated on the floor last year, if and when unanticipated problems arise resulting from the welfare bill, we will address those problems in an appropriate fashion.

There are some in this body who want to restore, piecemeal, the old AFDC welfare entitlement. That program has been unanimously adjudged a dismal failure. Piecemeal attempts to restore that failed system are simply not going to happen. I want to assure my friend from Minnesota that I am committed to working with my colleagues on the Finance Committee, along with the help of the administration and Governors, to ensure that necessary assistance is made available to resolve this unintended problem.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

AMENDMENT NO. 43

Mr. MURKOWSKI. Mr. President, I understand amendment No. 43 to S. 104 is pending.

Mr. President, let me go into the purpose of the amendment. It is establishing a fee cap and is a second-degree amendment to protect the ratepayers. These are the ratepayers who pay into a special fund and use and generate power from nuclear reactors. It is to protect the ratepayers who are the ones who ultimately pay the nuclear waste fee by making it clear that the nuclear waste user fee cannot exceed 1 mill per kilowatt hour without specific congressional authorization.

The spent fuel disposal program is paid for with a fee collected from the consumers of nuclear energy. This fee is currently set at 1 mill per kilowatt hour. While the nuclear waste program has had problems, collecting sufficient amount of money from the ratepayers certainly hasn't been one of them. After all, we collected over $13 billion and have expended only $6 billion on a

permanent repository at Yucca Mountain. But we have a problem created by the fact that our budgetary system forces the program to compete against other DOE programs for funding even though this fee is earmarked for nuclear waste disposal. This situation has contributed to the problem where ratepayers have spent some $13 billion in the fund but have only received excuses in return.

Our budget system also creates an incentive to use nuclear waste fund receipts to disguise the size of the budget. Senate bill S. 104 addresses these problems by providing for two fees. One is a user fee that is equal to the appropriations provided to the program. The other is mandatorily created that makes up the difference between appropriations and the current level of the fee which is 1 mill per kilowatt-hour. The user fee goes directly to fund the ongoing programs. The mandatory fee goes into the nuclear waste fund to continue to bill the balance to ensure there will still be money in the fund to deal with the waste even after the reactors stop operating.

With that background, let me briefly explain what my amendment does. My amendment simply makes it clear that the user fee cannot exceed 1 mill without congressional authorization. This is designed to protect ratepayers. Critics will say perhaps that this is designed to protect utilities. But it is really the ratepayers who pay the fee, don't they? Certainly not the utilities. Some may argue that a 1 mill fee is insufficient to pay for both interim storage and permanent repository. DOE's own budget projections show that this is not the case. The 1 mill fee generates $630 million per year.

Because defense waste will also be placed in the permanent repository, a portion of the cost, therefore, must be appropriated from the national defense budget account to the nuclear waste fee each year. In the last few years this has been some $200 million. That is a combined total of $830 million each year. Is $830 million per year combined with the roughly $6 to $7 billion in the waste fund today sufficient to fund both the permanent repository and the interim storage facility? This is a key question. According to the Department of Energy's own budget plan, the answer is yes. It is plenty. The fact is the budgetary provisions in the Department of Energy's own program plan assume an interim storage facility is named in 1998.

To quote from the DOE plan, ''Fiscal year 1999 through the year 2002 amounts for the program assume the enactment of legislation authorizing and siting an interim storage facility and providing appropriate funding arrangements.'' So there we have it. DOE's own plan reflects exactly the same schedule for siting and constructing an interim facility as that set out in Senate bill S. 104. The Department of Energy's own plan shows that the cost of both the permanent repository and interim facility will range from $535 to $698 million per year. That is well under the $830 million going in the fund from the ratepayer contributions and defense appropriations. So lack of money is not the problem. But if changed circumstances or other factors make the cost of the programming to go up, then Senate bill S. 104 provides expedited procedures to consider a change in the 1 mill cap.

Under Senate bill S. 104 the Secretary determines each year whether the DOE has collected too little or too much money. The Secretary then transmits his or her recommendations to Congress, and a joint resolution to raise or lower the fee is introduced and considered on an expedited basis. This is another way to ensure that this program will be adequately funded for its entire life. But by requiring Congress to act to raise the fee we protect the ratepayers, and that is the purpose of the language of Senate bill S. 104 and the amendment before us now. We carefully balance the needs of the program while protecting the ratepayers.

Mr. President, I urge the adoption of the amendment.

Mr. BUMPERS. Mr. President, the pending second-degree amendment caps the fee paid by the utilities for nuclear waste disposal services. That sounds simple enough, but to understand the amendment we must first understand the funding provisions in both the Murkowski substitute, which the pending amendment amends, and how both will affect the nuclear waste program's current funding mechanism.

One of the fundamental principles of the Nuclear Waste Policy Act of 1982 is that the full cost of disposing of nuclear waste should be borne by the waste's generators. In the case of the military waste, that means the Treasury and the taxpayers. In the case of commercial power plant waste, that means the utilities and their ratepayers.

The existing nuclear waste program will cost about $34 billion. Of this amount, the utilities are responsible for $27 billion and the defense program is responsible for $7 billion.

Under the Nuclear Waste Policy Act of 1982, the utilities' share is recovered through a fee on electricity generated by nuclear power. The 1982 law set the fee at 1 mill, which is one tenth of a cent, per kilowatt-hour.

Congress assumed in 1982 that the fee would need to be adjusted from time to time for inflation, to meet higher than expected costs, of if the number of plants paying the fee changed. Thus, the existing law gives the Secretary of Energy the power to adjust the fee.

The Secretary has never used his adjustment authority. The fee remains at 1 mill despite 14 years of inflation and despite GAO concerns that the fee is not recovering the program's full cost. DOE admits that the fee will only collect about $19 billion of the $27 billion the utilities will owe. DOE is counting on interest on the unspent balance in the Nuclear Waste Fund to make up the shortfall. The utilities will contribute even less than $19 billion if any nuclear power plants shut down before the end of their useful lives, as many are expected to do as the electricity industry becomes more competitive.

Because of budget scoring roles, the fees collected from the utilities do not offset spending on the program. As a result, the nuclear waste fee takes in more money than is appropriated to the program each year. In fiscal year 1997, for example, the utilities are expected to pay $649 million compared to $182 million appropriated to the waste program.

The Murkowski substitute tries to get around these budget constraints without violating the Budget Act. The approach taken in the substitute, while convoluted, works. First, the substitute preserves the existing 1 mil mandatory fee. Second, it creates a new offsetting fee, which will be set at whatever amount is needed to recover the amount appropriated to the program each year. The amount of the offsetting fee will fluctuate from year to year. To prevent double recovery from the two fees, the amount of the mandatory fee will be reduced by the amount of the offsetting fee collected. Thus, the combined fees may total more than 1 mill but will never be less than 1 mill.

The substitute eliminates the Secretary of Energy's existing authority to adjust the fee, but it makes up for it by allowing Congress to raise the fee to keep up with program spending through the annual appropriations process.

The Murkowski substitute requires the Secretary of Energy to propose an increase or decrease to the mandatory 1-mill fee if he finds that the combined fees are collecting too little or too much money. The Secretary's proposal would not take effect until approved by a joint resolution adopted under expedited procedures. The expedited procedures provided under the substitute waive Budget Act points of order.

The Domenici first-degree amendment reinstates any applicable Budget Act points of order. That's only fair.

The Murkowski second-degree amendment, however, has nothing to do with the points of order restored by the Domenici amendment. The Murkowski second-degree amendment caps the combined total of the two fees in the underlying substitute at 1 mill.

The Murkowski amendment repudiates the full-cost recovery principle of the Nuclear Waste Policy Act of 1982 and shifts part of the cost of the nuclear waste program from the utilities and their ratepayers to the Treasury and the taxpayers.

How much of the program's cost will be shifted to the taxpayers is unclear but the 1-mill fee will certainly be inadequate to pay the program's full cost. GAO already says it is inadequate. DOE says it will be inadequate if future interest rates are not high enough to offset the current shortfall

between what the utilities will pay—$19 billion—and what their share of the program will cost—$27 billion. The underlying bill, S. 104, will increase the cost of the program by $2 billion for interim storage. Competition will cause utilities to shut down some nuclear plants before the end of their useful lives, thereby decreasing the amount of the fees paid.

Under current law, the Secretary of Energy can correct any shortfall by raising the fee, but S. 104 and the Murkowski substitute strips the Secretary of that power. Even under the Murkowski substitute, though, Congress could still correct any shortfall in future appropriations acts. But the Murkowski second-degree amendment forecloses any opportunity for DOE or Congress to address a future shortfall except by joint resolution.

The pending amendment fundamentally alters the bargain the Government struck with the utilities in 1982. That bargain was that the Federal Government would take on the responsibility for disposing of the utilities' waste in a permanent repository and, in return, the utilities would pay the program's full cost or the repository program and, in the meantime, fulfill their responsibility for storing their own waste at their reactors until the repository was ready or else pay the Government extra to store it at a Federal site.

The nuclear industry and its Republican supporters have made much of the sanctity of the nuclear waste contracts. They have complained loudly about DOE's inability to meet the 1998 waste acceptance date in the contract and have alleged the Government owes the utilities billions of dollars in damages for this failure.

The Murkowski substitute already rewrites the bargain struck in 1982 by making the Government responsible for temporary storage. The Murkowski second-degree amendment further alters the bargain struck in 1982 by relieving the utilities of their obligation to pay the full cost of the now expanded program.

The PRESIDING OFFICER. Who yields time?

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. BINGAMAN. Mr. President, what is the pending business?

The PRESIDING OFFICER. Amendment No. 43 to amendment No. 42.

AMENDMENT NO. 31 TO AMENDMENT NO. 26

(Purpose: To provide for the case in which the Yucca Mountain site proves to be unsuitable or cannot be licensed and to strike the automatic default to a site in Nevada)

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the pending amendment be set aside, and that it be in order to call up amendment No. 31.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN] proposes an amendment No. 31 to Amendment No. 26.

On page 28, line 17, strike "If the President" and all that follows through page 29, line 1 and insert the following:

"(3) If the Secretary makes a determination under section 206(c)(3) that the Yucca Mountain site is not suitable or cannot satisfy the Commission's regulations applicable to the licensing of a repository, the Secretary shall—

"(A) terminate all activities (except necessary termination activities) related to construction of an interim storage facility at any site designated under paragraph (1); and

"(B) no later than 24 months after such determination, make a preliminary designation of one or more alternative sites for construction of an interim storage facility.

"(4) If the Commission, after review of the Secretary's application for construction authorization for the repository or after review of the Secretary's application for a license to receive and possess spent nuclear fuel or high-level radioactive waste at the repository, determines that it is not possible to license a repository at Yucca Mountain under section 206—

"(A) the Commission shall promptly notify the Secretary, the Congress, and the State of Nevada of its determination and the reasons therefor; and

"(B) the Secretary shall—

"(i) promptly take the actions described in paragraphs (1) and (2) of section 204(b);

"(ii) suspend all activities (except for necessary surveillance and maintenance) related to construction or operation of an interim storage facility at any site designated under section 204(c)(1); and

"(iii) no later than 24 months after being notified by the Commission of its determination, make a preliminary designation of one or more alternative sites for construction of an interim storage facility; and

"(iv) at the time of the designation under clause (iii), transmit recommendations to Congress with respect to further construction or operation of an interim storage facility at any site designated under section 204(c)(1).".

Mr. BINGAMAN. Mr. President, the issue of disposal of spent nuclear fuels and high-level radioactive waste has been debated in this Senate in one form or another ever since I arrived here some 14½ years ago. Nuclear waste is a serious issue. It demands serious attention by all Senators. It is a problem that is national in scope.

It is also a particular responsibility of the Federal Government. After all, it was the Federal Government that proposed, beginning with the Atoms for Peace Program in the Eisenhower administration, to develop the peaceful uses of nuclear power. The problems of disposal of spent nuclear fuel that we face today are the legacy of our past laws and decisions.

I am not going to characterize the current situation as a crisis. There is too much hype already about disposal of nuclear waste, from all sides of the debate.

But there are serious problems facing the program that merit attention now, in this Congress. I have an important disagreement with the chairman of the Senate Energy Committee about the substitute amendment that is before the Senate today. I believe that it is fatally flawed on two counts, and my amendment is intended to address this fatal flaw. But I also believe that the chairman is right when he says that simply continuing with the current situation is not acceptable.

Let me point out a number of issues that call out for congressional action at this time.

First, ratepayers have paid over $8 billion in fees to the nuclear waste fund and earned about $2 billion in interest. Only about $5 billion of this money has been spent on the program.

Our current budget rules and accounting principles make it nearly impossible to give the program, each year, the appropriations that it deserves. For example, in fiscal year 1996, the President asked for $640 million for the DOE Yucca Mountain Program. Congress appropriated only $315 million—half of the request. As a result, the program had to abandon a comprehensive program plan that was less than 2 years old, and go through yet one more strategic planning exercise to figure out how to cope with an inadequate funding base.

There is no incentive for the President to even make a reasonable budget request at this point. Not surprisingly, the utilities and public utility commissions, who are paying in $600 million each year and seeing only a fraction of that getting spent, are upset with this state of affairs. They have every right to be.

A second reason why action is required in this Congress is that DOE won't meet its January 31, 1998, deadline to dispose of spent nuclear reactor fuel and is way behind schedule in building a repository. Utilities and ratepayers will have to pay for onsite storage for spent fuel after 1998 in addition to what they would otherwise have needed if DOE had met its 1998 deadline. While many thought that 1998 was unrealistic when it was first picked as a target date, no one thought that we would be missing it by so wide a margin. Some relief is now in order.

A third problem that needs to be addressed in this Congress is that there will never be a repository if EPA doesn't issue a radiation standard for it. EPA is right in the middle of the critical path for this program, and keeps missing deadline after deadline.

Part of the blame lies at EPA—it is hard to detect any sense of urgency on their part. But an important part of the blame lies in the inherent difficulty of writing this standard and having it stand up to scrutiny in the courts. Let me remind my colleagues that in 1985, EPA did promulgate a radiation standard for the repository. Two years later, it was stuck down in court. Without some statutory help to

clarify issues, I believe that EPA is destined to face the same fate again.

For example, according to the National Academy of Sciences, there is no technical basis for incorporating human intrusion into a repository standard, because any analysis of human intrusion, in their words, is ''driven by unknowable factors.'' How will EPA successfully defend a new standard in court, if it has to depend on the unknowable?

Further, the underlying law governing EPA's development of a repository standard currently places EPA in a legal catch-22. The law requires EPA both to promulgate a dose-based standard and to follow the recommendations of the National Academy of Sciences. But the National Academy of Sciences has recommended against promulgating a does-based standard. Without additional statutory guidance, how does EPA get out of that box?

If we sit by and do nothing, we are setting EPA up for certain failure in developing a repository standard over the next few years.

The final problem that I want to cite which justifies action and leads me to conclude that we need to have action in this Congress is that there is a lawsuit pending against DOE that seeks to escrow the current nuclear waste fee outside the Government. If the court decides that there is liability on DOE's part, there may be other payments for damages that no one can put a price tag on right now. No one can say what the court will do—but it has surprised the Government twice already with its rulings in favor of the utilities. One thing is clear though. There is a sizable potential for major damage, and perhaps fatal damage, to the nuclear waste program over the next 12 months.

The administration has taken the view that it is premature to consider legislation on this topic at this time, and that Congress should wait until 1999, when the viability assessment of the Yucca Mountain site is complete.

The list of problems that I have just gone through, and it is far from a complete list, won't age gracefully during the next 2 years. If we don't fix some of them fairly quickly, I believe that we will be wasting a substantial amount of taxpayers' money. I cannot support a same time, next Congress approach to clear and serious difficulties in this program.

Further, the administration's emphasis on the viability assessment as some sort of touchstone for further congressional action greatly exaggerates the value of the viability assessment. The senior Senator from Nevada has reminded us repeatedly, in this debate, that the viability assessment is not a suitability determination. He is absolutely right. All the scientists involved in the viability assessment agree with him. The viability assessment will not tell us if Yucca Mountain is a good place for a geologic repository.

The viability assessment will only be useful as a decisionmaking guide if Yucca Mountain is so terrible a site for a repository that even a small amount of scientific data is sufficient to make an overwhelming case that we should give up at that site and look elsewhere.

If the viability assessment will not tell us much, if anything, about the suitability of Yucca Mountain for a repository, then why is the viability assessment in the critical path for deciding what we should legislate here in this Congress?

I think the problems facing the Yucca Mountain Program speak for themselves. They will not wait another 2 years to be resolved and neither should we.

Having agreed with the chairman of the Senate Energy Committee on the need for legislation at this time, let me say that in one important respect I cannot support the proposal he has presented to the Senate. I opposed S. 1936 last year, and I opposed S. 104 this year in its original form when we voted on it in committee. Although the chairman's substitute amendment today is a vast improvement over last year's bill, it still contains fatal flaws that force me to continue to oppose it.

Before I talk about the fatal flaws in the bill, it is only fair to acknowledge the good-faith cooperation that we have had from the chairman of the Senate Energy Committee in addressing, since the committee's markup, many of the problems that the administration identified in last year's bill.

The chairman said at the markup that he was open to suggestions as to how to make the bill better and that he wanted to have a constructive dialog, and he meant it. I am glad that I took him at his word for he and his staff have negotiated with me and my staff in very good faith, and anyone who looks at the substitute amendment that is before us today and compares it to the original bill has to admit that, while crucial flaws remain, major progress has been made on a number of topics toward getting a good bill on this topic.

Almost all the problems that have been aired in the Chamber in this debate and in the veto threat issued by the administration have been addressed in one way or another.

Mr. President, I would like to describe eight areas in which the chairman proved to be open and flexible to my suggestions for how to improve S. 104 and address major areas of concern raised by the administration and others.

First, radiation standard. Few provisions of last years nuclear waste bill, S. 1936, and this year's bill, S. 104, have received more criticism than the statutory radiation standard of 100 millirems. Every Member of the Senate has received, over the last week, numerous letters opposing S. 104 from environmental, religious, and public advocacy groups. These letters consistently emphasize the fact that the 100 millirem standard in S.104 is 4 times higher than similar radiation standards for other nuclear facilities. The new radiation standard in the substitute amendment, which is identical to the proposal I offered in the Energy Committee, resolves this issue. It is a risk-based standard that is equivalent to about 25 millirems. It gives statutory expression to the major recommendations of the National Academy of Sciences on every issue except one. The National Academy recommended that the radiation standard be applied at the time of maximum risk, but this is 80,000 to 250,000 years from now. In a licensing proceeding, which is the venue in which any standard will be applied, proving anything with certainty about the world 80,000 years from now—160 times greater than all of recorded history—is a virtual impossibility. So the substitute amendment uses a timeframe for assessing compliance in the licensing proceeding of 10,000 years, the same timeframe that EPA has proposed to use in the past. The substitute also requires a report to Congress from the Nuclear Regulatory Commission on the predicted compliance of the repository at the time of maximum risk, and delays the effective date of the construction license until Congress has had 90 days to review the commission's report. A similar approach is taken to the question of human intrusion, which the Academy states is ''driven by unknowable factors.'' I believe that any objective observer would conclude that the radiation standard in the substitute amendment resolves all of the objections that were raised against the old 100 millirem standard.

Second, NEPA. S. 104 was criticized for running roughshod over the NEPA process. Nowhere was this more apparent than in the licensing procedure for the interim storage facility. NRC regulations require it to prepare an environmental impact statement for any interim storage facility. Yet the time lines in the S. 104, as introduced, would have precluded the commission from carrying out a meaningful EIS. NRC regulations also clearly state that beginning construction of an interim storage facility prior to completion, by the NRC, of its NEPA process is, all by itself, grounds for the commission to refuse to issue such a license. Yet S. 104, as introduced, instructed DOE to start construction as soon as it submits a license application. In committee, I offered an amendment to correct these problems. The substitute amendment adopts my approach. Under the substitute amendment, no construction of an interim storage facility occurs until the NRC has completed the NEPA process called for under its regulations.

Third, transportation planning. We have heard a lot of discussion about transportation risks in this debate so far. Senator WYDEN proposed an amendment that was accepted in the committee's markup that strengthened the provisions of the bill relating to transportation planning. I supported his amendment and he deserves great

credit for working closely with his own State of Oregon and with the Western Governors Association, which includes New Mexico as a member, in strengthening the bill in this important area. One goal that he was unable to achieve prior to committee markup was to provide for 3 years of funding and assistance to States and localities, to enable them to be up-to-speed to handle any contingencies related to transportation, no matter how remote their probability. The reason that it was rejected was because it would have conflicted with the headlines in the bill as it stood at that time. After his staff was briefed about progress in my discussions on timing issues, he requested that I explore getting them the third year of training and assistance. Senator MURKOWSKI was agreeable to Senator WYDEN's new request, and as a result, every place through which nuclear waste may be shipped will now have 50 percent more training and assistance. I think this is a real improvement.

Fourth, timing. S. 104 was criticized for its unrealistic deadlines that were virtually impossible to meet. The new deadlines in the substitute amendment are virtually the same as those in the proposal that I offered in committee. They are drawn from the current DOE program plan and from technical discussions by my staff with the actual persons at DOE and the NRC who would be responsible for meeting those deadlines. The resulting deadlines are very realistic, and in some cases have extra scheduling cushion built in.

Providing enough time for DOE and the NRC to do their work properly has the advantage of postponing construction and operation of an interim storage site in Nevada until after the scheduled record of decision on the permanent repository—September 2000. Under my proposal, which Senator MURKOWSKI agreed to, the interim storage facility license is issued 9 months after DOE has applied for construction authorization for the permanent repository. In other words, we don't put the waste on the road to Nevada until well after the time at which DOE has determined, as part of its own NEPA process, that Yucca Mountain is suitable.

A final advantage of the way my proposal sequences the interim storage facility and the permanent repository is the elimination of much of the competition between the two for financial resources.

In the period 1999–2001, DOE can concentrate on repository characterization and on putting together a high-quality repository EIS and license application, while the NRC is working on the interim storage facility license application.

In the period 2002–2005, DOE can concentrate on interim storage facility construction and initial operation while the NRC is reviewing the repository license application.

Fifth, size of the interim storage facility. In S. 104, as introduced, the capacity of the interim storage facility grows to either 40,000 metric tons of spent fuel in December of 2002, or, if the Secretary is late in submitting a license application for the permanent repository or in opening the repository for operations, 60,000 metric tons of spent fuel. This extra 20,000 metric tons of capacity is added even if the Secretary of Energy does not ask for it or think it is necessary. We accumulated 32,000 metric tons of spent fuel over the last 40 years. I was concerned that an aboveground storage facility that had a capacity of twice today's spent fuel inventory, and a licensing term of 100 years, with indefinite renewals into the 22d and 23d centuries, would be, in reality, more like a permanent aboveground repository, than an interim facility.

I proposed, and Senator MURKOWSKI accepted, a linkage between the size of the interim storage facility and the status of the permanent repository. Before the permanent repository is in operation, the interim storage facility capacity is limited to just what is needed to get to that date. It is a bridge, not a replacement. A second part of my proposal was to allow the capacity limit of the interim storage facility to grow, only after the repository is licensed to operate by the NRC, and only for the purposes of operating the interim storage facility as an integral part of a total system with the repository. This, too, was accepted.

The adoption of these changes improve the bill, but only represent a partial success in terms of establishing the correct relationship between the interim storage facility and the permanent repository. My remaining amendment to this substitute amendment is intended to finish the job on getting the right relationship between the two facilities.

Sixth, preemption. S. 104, as introduced, contained a very worrisome provision preempting all Federal, State, and local laws on the basis of a novel standard of ''inconsistent or duplicative.'' Removing this preemption provision was a key demand in the administration's veto threat. At my suggestion, we have moved to a preemption provision that restates the status quo in this area of law. The first part of the provision restates the two fundamental Supreme Court rulings on preemption of State requirements by Federal law. Its language is identical to that found in the Hazardous Materials Transportation Act. The second part of the provision is also modeled after the HAZMAT Act. It lists five areas where Congress intends this act to be the last word. Three of the five are modeled after the areas listed in the HAZMAT Act. The other two topic areas for preemption are the land transfer provisions of the Act and the siting and licensing of the repository and interim storage facility. Neither topic breaks new ground. Thus, we have taken a very objectionable provision and removed everything that was objectionable about it.

Seventh, financing. We have heard a lot, over the last few days, about the problems of S. 104 in terms of how it pays for the nuclear waste program. The junior Senator from Nevada has made some pretty good points about how the bill, as introduced, transfers the burden of paying for the repository from the beneficiaries of nuclear power to the general taxpayer. This issue has been of deep concern to me, as well. Fixing this problem is not easy, as has been evidenced by the fact that we have had additional amendments on this topic during the floor debate. The Nuclear Waste Fund is caught, along with other trust funds, in a trap of budgetary rules and accounting principles that have grown up over the years and that, in cases like this one, yield results that defy common sense. Getting completely out of the trap requires cooperation from either the administration or the Budget Committee, and neither is willing to help. There is a partial solution, though, that puts the program on a sound financial basis outside the current scoring window and that can be implemented for 4 years during the scoring window. This solution has three parts.

The first part is a fee that is tied to appropriations, to remove the disincentive that now exists to fully fund the program. In the original substitute amendment, there was no cap on this fee. Thus, if the Congress were to appropriate $800 million of civilian spending to the program, the fee would rise to about 1.3 mills per kilowatt-hour. I believe that it is appropriate to go over the 1-mill limit, if the ratepayers are getting what they are paying for.

The second part of the partial solution is a second fee that kicks in if the level appropriated is less than 1 mill per kilowatt-hour. This second fee is set at the difference between the appropriations-based fee and the 1.0 mill per kilowatt-hour level. The second fee goes into the nuclear waste fund, to build the needed surplus for the last 40 years of the program.

The third part of the partial solution is an expedited procedure to approve any recommendation by the Secretary to adjust the 1.0 mill per kilowatt-hour level used to calculate the second fee. If we need to be collecting a larger second fee to ensure the integrity of the Nuclear Waste Fund, the Secretary's proposal will make it to the floor for expeditious consideration.

This agreement, as I originally proposed it, completely answers the concerns raised by the junior Senator from Nevada. Instead of a 1.0 mill per kilowatt-hour cap, we have a floor that the Secretary can propose to raise, to ensure that the funds needed to keep the nuclear waste fund solvent are always there. Instead of transferring liability to the general taxpayer and providing corporate welfare to the nuclear industry, my original proposal ensures that the industry continues to pay its fair share of the costs of the repository.

Eighth, lawsuit. The last area of agreement that I want to discuss is a

commitment to discuss the current lawsuit by the nuclear industry in any conference on the bill. The commitment is in the form of a sense of the Senate that the DOE, the utilities, and the public utility commissions should settle the lawsuit before we enact this bill into law. The idea behind this sense of the Senate language is simple. The utilities and public utility commissions have a two-track strategy to solve their problems. One is legislative. The other is judicial. There is nothing wrong with pursuing both tracks at this time, since it is not clear that the legislative track will produce a public law anytime soon.

But if the utilities and the public utility commissions do succeed in getting relief from Congress and the President, in the form of nuclear waste legislation that delivers an interim storage facility on a reasonable timeframe and that fixes the nuclear waste fee problem, then the lawsuit against the Federal Government should go away.

The principle that I believe that the Senate should take to conference, then, is that you can't have your cake and eat it too. You can't get a complete legislative overhaul of the nuclear waste program and then go and try to improve on it, or blow it up, in the D.C. Circuit Court of Appeals. I recognize that we are dealing, in the lawsuit, with vested contractual rights, and that our options to deal with the lawsuit in legislation may ultimately be somewhat limited. But I believe that we should put all parties on notice that the Senate is serious about a cooperative solution to the problem, and that they should be, too.

Mr. President, I cannot say if the administration thinks that its concerns have been resolved. I am still waiting to hear some definitive statement from the administration on the amendments that we offered in committee a month ago and also a definitive statement on their position with regard to the amendment I am offering today.

Despite the substantial progress toward making S. 104 a better bill, a key flaw remains in the substitute. It is an issue of the highest importance. It is an issue of whether S. 104, if enacted, would lead to the abandonment of our fundamental policy of geologic storage of nuclear waste in the circumstance where Yucca Mountain would fail as a candidate for a repository.

This scenario can occur and it does occur in the substitute amendment if the proper relationship between the interim storage facility and the permanent geologic repository is not maintained.

So what is this proper relationship that I think is so important? The current Nuclear Waste Policy Act of 1982 provides for a facility similar to the interim storage facility that is provided for in this bill. In the 1982 act it was called the monitored retrievable storage facility or MRS. We never found a place to put an MRS, but the restrictions on the MRS in current law—which we passed in 1982—are instructive as a guide to how we need to think about such facilities.

In current law, construction of an MRS cannot begin until the permanent repository has a construction license. In current law, construction of the MRS or acceptance of spent nuclear fuel at the MRS is prohibited during any time in which the repository license is revoked or construction of the repository, that is, the permanent repository, ceases. In current law, the MRS has a capacity limit tied to the opening of the repository.

These restrictions are all safeguards to prevent the MRS from turning into a de facto permanent above-ground repository.

In the case of the current bill, we are allowing the interim storage facility to proceed in advance of the licensing of the Yucca Mountain facility, and I agree with that. This is a defensible step in light of the delays in the repository program and the need for such a facility to be in full operation 10 years from now.

But the decision to allow the interim storage facility to get ahead of the permanent repository makes the issue of safeguards to prevent the interim storage facility from turning into a de facto permanent repository all the more important.

On the issue of tying the capacity limit of the interim storage facility to the opening of the permanent repository, there is a provision in the substitute amendment that works providing that the substitute also addresses the issue of what happens to the interim storage facility if Yucca Mountain fails to pass muster at some point in the process. And here is where the rub is. The substitute does not address the issue in a complete fashion.

As I see it, there are four points in the process where Yucca Mountain can fail. There must be clarity on what happens to any interim storage facility in each of those cases.

The first point in the process is already covered in the bill. It is the viability assessment. As I mentioned earlier, if Yucca Mountain is an absolutely terrible place technically to put a repository, we will probably find out at this stage. The substitute amendment provides that if the President finds, based on the viability assessment, that the Yucca Mountain site is unsuitable for a repository, then he and the Congress have 24 months to find another interim storage facility site or the site in Nevada right next to Yucca Mountain is chosen by operation of law. I will come back to the automatic default to Nevada in just a moment.

The second point in the process where Yucca Mountain can possibly fail as a candidate repository occurs before the Secretary submits the license application to the NRC, the Nuclear Regulatory Commission. During the NEPA process for the repository, the Secretary will have to make and defend a suitability determination. If the Secretary determines that Yucca Mountain is unsuitable or cannot meet NRC licensing standards, then, according to the substitute amendment, the Secretary must notify Congress and the State of Nevada to cease all activities at the repository site and report to the Congress within 6 months on the need for additional legislation dealing with nuclear waste.

What the substitute amendment remains silent on is this question: What happens to the interim storage facility in this case? The Secretary has already submitted a license application to the Nuclear Regulatory Commission, but no construction has started as yet. In that case, the silence in the substitute amendment means that the Secretary is authorized and in fact is required to go forward in Nevada. In fact, the provisions of the substitute amendment, perhaps unintentionally, turn the interim storage facility into a runaway train. Recall that the statutory limit for the interim storage facility in the substitute is tied to what is needed to get you to the date when the permanent repository opens. If the permanent repository suddenly moves 30 years into the future because of a decision that Yucca Mountain is unsuitable, these provisions could be construed as sanctioning moving an extra 90,000 metric tons of spent fuel to Nevada. This is unacceptable.

The first provision added to the substitute by my amendment would fix this problem. It terminates the Secretary's authority to move forward on an interim storage facility at the site in Nevada if Yucca Mountain fails as a candidate for a permanent repository during the process of making the suitability determination. The Secretary must then make a preliminary designation of one or more alternative sites within the next 24 months.

The third and fourth points for potential failure of Yucca Mountain as a repository candidate is during the two-step Nuclear Regulatory Commission licensing process. Suppose that during this process the NRC concludes it is not possible to issue a license for a repository at Yucca Mountain. Under the substitute amendment, the construction and operation of the interim storage facility continue unabated.

So the second provision added to the substitute by the amendment that I am offering today would try to fix this problem. If Yucca Mountain fails to pass muster at the NRC, then all construction and operation of the interim storage facility is stopped except for safety-related surveillance and maintenance.

As with the previous case, the Secretary must then make a preliminary designation of one or more sites within the next 24 months and must, in addition, make recommendations to Congress about what to do with the interim storage facility. But in this case, it takes the enactment of another law by Congress to restore any authority to

resume construction or resume shipments to the interim storage facility.

Could there be nuclear waste stored at the interim storage facility at this point? Yes, there could. If the NRC concludes that Yucca Mountain cannot be licensed after the first 20 months of its deliberations on DOE's license application for the repository, then the interim storage facility will contain some amount of spent nuclear fuel. The same situation can also occur under current law. It is possible for the MRS to have its operation suspended because of failure to license a permanent repository after the MRS has received spent nuclear fuel.

But if you are troubled by the fact that there is a possibility that waste could be shipped to Nevada before the geologic repository is open for shipments, then you are against one of the fundamental premises of this bill; that is, that it is acceptable to provide for an interim storage solution linked to the repository prior to the opening of the repository. Whether or not you think this is acceptable is, of course, for each Senator to decide. If the program were close to a successful opening of the repository today, I would personally be in favor of waiting a few more years. But since the date is now 2010 or potentially beyond that date if we do not fix some of the other problems with the program in this bill, I believe that an interim storage solution is acceptable with the right safeguards.

In the case of the amendment that I am offering here, one of the safeguards is to face this issue squarely and to make Congress decide what to do and then to enact another law before the Secretary can act. In this way at every stage in the process where Yucca Mountain can fail, my amendment would stop the interim storage facility in its tracks or cancel it outright.

The probability of Yucca Mountain failing is probably not great, particularly after the suitability determination by the Department of Energy in the year 2000. But that probability is also not zero. The 5-mile tunnel has been dug through the mountain. There is more water inside the mountain than was previously thought to be the case. Maybe this is significant; maybe it is not. There is a second east-west tunnel that will go through the exact area under the western side of the mountain where most of the waste will be placed. The east-west crossing will not occur until after the viability assessment but is critical to the suitability determination. The western slope of the mountain receives more rainfall than the eastern side. Does this mean that there will be even more water under the mountain where the waste will be placed? Enough pause to make the mountain fail as a repository site? No one knows at this point. That is why we are characterizing the mountain in the first place. The ultimate answer will not be known until after the window, in the current substitute amendment, for making a final and irrevocable decision on proceeding with the interim storage facility in Nevada.

Mr. President, in addition to the problem in the substitute of not permitting us to deal with the failure of Yucca Mountain as a candidate site at any point at which it can occur, there is the problem of the automatic default to Nevada if another site for an interim storage facility is not picked within 24 months. Under the substitute amendment, an interim storage site in Nevada is established regardless of whether the Yucca Mountain site is suitable or not, and the site is changed only if Congress and the President can produce another law providing for an alternative site within 24 months.

Realistically, Mr. President, passing another nuclear waste law from scratch in 24 months is not going to happen. Consider that we have been working on this bill and its predecessors for substantially longer than that. The nuclear industry spent a great deal lobbying this effort in the last Congress and came up with no solution. Does anybody believe that they would make any kind of effort like that if there was an easy answer to their problem, which this bill now provides no matter what happens? So, the provision contained in subsection 204(C)(2) of the bill is fatally flawed on two counts. If Yucca Mountain fails, the practical result is that the waste goes to Nevada, no matter what.

I do not think that any reasonable person should vote for the substitute amendment with this provision in it. It is not sound policy and it is certainly not fair to the people of Nevada.

There are lots of ways to ensure that the President acts expeditiously in finding an alternative site and proposing legislation to Congress. The chairman of the Senate Energy Committee has alluded, in previous remarks, to discussions that we have had as to whether a mechanism such as a base closure or realignment commission could develop a set of recommendations that would be forwarded to Congress for action. There are, no doubt, other mechanisms that could work equally well. But I think the principle has to be that any default mechanism we propose has to be workable and has to be fair, if it is actually invoked. I think the scheme in S. 104, the substitute for S. 104, fails on that point.

I will conclude these remarks by reiterating the basic principles behind the amendment with respect to how interim storage should relate to the permanent repository. First, siting an interim storage facility next to the Yucca Mountain site is acceptable, but—and this is crucial—only as long as that is where the permanent repository is going to be built.

Second, we should not start construction on an interim storage site in Nevada until Yucca Mountain has passed the suitability determination phase of site characterization. That phase ends with the completion of the environmental impact statement for the repository and issuance of the record of decision.

Third, if Yucca Mountain is disqualified as a repository site at any point during the process, we should stop any interim storage facility at the site in its tracks. The search for a new interim storage site should then be part of an overall process of looking for a new repository site as well.

I do not expect my colleagues from Nevada to agree with all these principles. I realize they are implacable in their opposition to the idea of interim storage in Nevada. I oppose the proposition as set forth in the substitute amendment, unless my amendment being offered today is agreed to. But I urge Senators who, like me, would like to have the chance to vote for a good nuclear waste bill, one that has what I think is the right relationship between the two facilities, to support this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent we set aside the Bingaman amendment and go back to the pending Domenici amendment, which has been brought before the Senate previously.

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

The Senator from New Mexico is recognized.

AMENDMENT NO. 42

Mr. DOMENICI. Mr. President, I understand that the parliamentary situation is that the Domenici amendment has been offered in my behalf by the chairman, and that it has had an amendment added to it, so that pending before the Senate is the Domenici amendment with an amendment thereto, and also the Bingaman amendment, and others? And that at some point we will vote on the amendment to the Domenici amendment?

The PRESIDING OFFICER. The Senator is correct.

Mr. DOMENICI. I believe whatever needs to be said about my amendment, which is clearly a budget issue, has been said. From what I understand, my amendment is not controversial. If there is controversy, it has to do with the amendment to my amendment; not with it. So I would like to take no longer than 10 minutes, and if the Chair will tell me when I have used the time, I would not want to take any more time than that, of the Senate, to speak on the bill.

When Congress passed the Nuclear Waste Policy Act of 1982, we created a contract with the country's taxpayers that the Government of the United States would accept responsibility for waste from the reactors providing them with power across these United States. We have now watched for 15 years while the date for this permanent geological repository has moved from an original target of 1998 to the current earliest possible date of 2010. Even though progress at Yucca Mountain in

the last few years has finally been significant, the taxpayers impacted by their regional utilities are faced with continued storage of high-level waste at 80 sites in 41 States. Many of those storage sites are near population centers and significant funds are now being expended to keep those multiple sites safe and secure. Many of those sites are nearly full; 23 will be full in 1998, 1 year from now.

Incidentally, nuclear energy is still important in the United States. While we are not adding any nuclear capacity to our electric generating system, about 20 percent of the Nation's electrical power is nuclear energy and a failure to promptly act in that regard could, indeed, affect the viability of one-fifth of our Nation's electrical supply. That is not a small amount.

Senate bill S. 104, the bill before us, provides a comprehensive plan for the Federal Government to meet its obligation to provide a safe place for the Nation's spent fuel and high-level nuclear waste. It continues the path toward a permanent geological repository that is being explored at Yucca Mountain, and provides a critical intermediate step to relieve the pressure at those 80 sites by building an interim storage facility near Yucca Mountain. I voted last year for S. 1936, and S. 104 traces its parentage to S. 1936. But, when S. 104 was introduced in the Energy Committee this year, it contained improvements over S. 1936. I commend Chairman MURKOWSKI, and those who have worked with him, for their diligent, bipartisan efforts over the last few weeks to work with many of our colleagues to further improve S. 104.

S. 104 was a good bill in February and it is a better bill in April. S. 104 now includes realistic dates for action on the interim storage site. This bill now provides even more time, after the department has finalized its viability decision on Yucca Mountain, before the start of construction of the interim site. S. 104 now includes improved risk-based radiation standards that involve the Environmental Protection Agency in the process.

S. 104 applies a HAZMAT-type approach to transportation. The hazardous material processes of our law and procedures are going to hold true in the transportation arena. And a careful balancing of State and Federal laws allowing preemption by State and local laws only where State intransigence prevents the Federal purpose from being accomplished.

The new transportation provision in this bill, coupled with years of impressive demonstrations on the safety of nuclear waste shipments, should completely address the concerns that some continue to express on transportation issues. These and other changes make the current version of S. 104 significantly better than our previous approaches. S. 104 is now truly a bipartisan approach to solving this problem of immense national impact. At a time in our history when fiscal responsibility is under intense scrutiny, passage of S. 104 is critical, from a financial perspective as well as the contractual responsibilities and safety issues that it addresses. The current suit against the Department of Energy by States and utilities may require the payment of significant penalties. Taxpayers will bear the burden for all these penalties. If the court rules that the Department of Energy, thus the U.S. Government, has breached its contractual obligation and penalties are assessed, they will come from the taxpayers of this country. And the ratepayers, who happen to also be taxpayers, are already bearing the burden for storage of waste at the present 80 sites in this country. The financial impact of not moving ahead with S. 104 is very, very significant.

I have been very critical, not alone, with many others, of the administration and the Department of Energy in recent years, for their inaction and lack of leadership on the critical issues surrounding nuclear waste policy. The Department has taken the view that they are free of any obligation until a repository is ready. At the same time, utility companies are collecting fees from ratepayers to ensure the readiness of the storage capability. This is simply bad faith on the part of the Department. S. 104 resolves the gridlock which has paralyzed the Department and the nuclear industry in this country for many years.

S. 104 continues the evaluation of the repository as an ultimate and final solution. But the creation of a monitored retrievable storage capability and capacity might also allow the Department to consider some of the suggestions developed in 1993 by the Department's task force on an alternative program strategy for Yucca Mountain. I hope the Department will review that study and even view the monitored retrievable storage as providing some time to enable consideration of some of the research proposals for approaches like transmutation, the changing of the high-level waste to something less energy-possessed, and thus, perhaps, provide for some utility rather than storage forever. That could reduce the toxicity of the material, which is finally emplaced in the repository.

I hope the administration will reevaluate their stated resistance to earlier versions of S. 104. This bill represents a bipartisan approach to a national problem. It now addresses the concerns stated by the administration with previous versions. S. 104 would give the country what it has sought for 15 years, a well-defined path on the nuclear waste issue, one that we can truly do, do safely, and do within a reasonable period of time. Furthermore, we honor the commitments made in 1982 to the citizens who depend upon nuclear power, who have been paying for this solution ever since then.

Incidentally, just as an aside, it is not as if we have not been trying for the permanent repository. We have spent in excess of $6 billion and we have not yet finished the characterization of the site. Although some real headway was made in the last 18 months, for which we can be grateful to the man who led that, Mr. Dan Dreyfus, who is no longer with the Department of Energy—but, essentially, after about $6 billion and continued spending at a very elaborate amount each year, we are still a few years away from that permanent, long-lasting repository. In the meantime, problems with the short-term storage continue to mount.

I compliment the chairman of the Energy Committee. This is a good solution. I hope it passes with sufficient votes for the President's threatened veto not to be sustained. But, in any event, it is worth his effort to see that we have found a good, bipartisan, American solution to a truly big American problem.

I yield the floor.

The PRESIDING OFFICER. Who yields time? the Senator from Nevada.

Mr. BRYAN. Mr. President, may I inquire as to the status? How much time is remaining on the amendment we are debating?

The PRESIDING OFFICER. The Senator from Alaska controls 25 minutes on this amendment.

Mr. BRYAN. On the other side of the proposition, if I might inquire of the distinguished Senator who is presiding?

The PRESIDING OFFICER. The Senator from New Mexico has 19 minutes and 46 seconds.

Mr. BRYAN. I am wondering, since I speak in opposition, if I might get time either yielded from the time of the Senator from Alaska or the Senator from New Mexico? I was not aware that there was not time allocated to those who oppose the amendment. If that is the state of the parliamentary situation, I ask for 10 minutes, if there is that much time available. I do not think I will need that much time.

Mr. MURKOWSKI. I have no objection.

The PRESIDING OFFICER. The Senator from Nevada has 10 minutes.

Mr. BRYAN. I thank the Chair. I perhaps will not require all the time.

I do not, Mr. President, want to take much time to talk about the merits of S. 104 because, as we will point out later, S. 104 is a very bad piece of legislation and, in my view, is a policy disaster. It is unnecessary. There are provisions that would preempt Federal and State law, standards, viability, transportation—there are many, many things that could be said about the legislation, and I will address each of those arguments with some particularity.

I must say that I am constrained to address the issue of the lawsuit, because we hear a lot about the lawsuit. The lawsuit was decided before our votes were cast last year on S. 1936, but I think it is curious and revealing, revealing as to the true motives of this bill. Nothing in S. 104 deals with the lawsuits.

This Senator believes that ratepayers who are in a position where they may

incur additional expense for storage because of the unavailability of a permanent repository in 1998 are entitled to relief. I do not think ratepayers ought to pay twice. I have introduced legislation each year that I have been a Member of Congress to express that view. It is curious, Mr. President, the utilities who drive the policy in this—this is the nuclear utilities bill—do not want to talk about that. As recently as a couple of weeks ago, the Secretary of the Department of Energy acknowledged that the Department wanted to talk about compensation to utilities who will incur additional expense because they will be storing beyond what was contemplated in 1982 as a 1998 acceptance date. So this legislation does nothing with respect to compensation or to provide relief for ratepayers, and the fact that it does not makes the motive so abundantly clear. This is all about getting the waste out to Nevada, irrespective of environmental or other policy considerations.

Let me talk, if I may, very briefly, about the substitute as it deals with the mill tax levy. Current law provides that the utilities must pay into the nuclear waste trust fund on the basis of 1 mill per kilowatt hour of nuclear power generated. It goes into a trust fund. That is paid only so long as that utility generates nuclear power.

If you look at this line, Mr. President, the mill fee payment line, you will notice it rapidly declines between now and the year 2033, and the reason for that is because every currently licensed nuclear reactor in America will be closed by 2033. Their license period will expire. So with each closure of a reactor, less is being paid into the fund.

The obligation, however, in terms of dealing with the issue of nuclear waste goes out to the year 2071, so that you can see that there is another 38 years beyond 2033 that there is a responsibility to make payments dealing with the waste, and there will be no money coming in.

Currently, the Department estimates that the nuclear waste trust fund is underfunded between $4 billion and $8 billion currently. If it is underfunded, I respectfully submit that you do not need a degree from the Wharton School of Finance to know who is going to make up the shortfall. It is the American taxpayers who are going to make it up. So the current law says with respect to the mill levy and how much it will be, is that the Secretary will make a recommendation when it needs to be adjusted, and unless the Congress or one House rejects that recommendation, that will go into effect. It was a law not written by the Nevada delegation. It dates back to the 1982 Nuclear Waste Policy Act.

Here is what is done to change all of that. In the original substitute, we changed the burden so that now any change to increase the rate of mill-tax collection, rather than being enacted unless there is a rejection by one House, it requires an affirmative burden to pass both Houses of Congress.

As the distinguished occupant of the Chair knows, based upon his considerable legislative experience, it is far more difficult to pass a piece of legislation than to object to it.

So that is the nub of this. It will be virtually impossible if the utilities object to an increase in the mill levy to get that on because it will require both Houses of Congress to affirmatively act on a resolution.

In the substitute that was offered by the able chairman of the Energy Committee, all budget points of order were waived. So the Senator from New Mexico, and appropriately so, sought an amendment in the first degree to restore a budget point of order, and I have no quarrel with that.

The second degree, in effect, provides that still both Houses must approve any increase, and so, in my judgment, this is a provision that is designed to provide relief for the utilities to leave the nuclear waste fund underfunded by billions and billions of dollars, and long after any Member who currently serves in this body or the other body leaves, the American taxpayer is going to get the short end of the stick.

Let me say, Mr. President, that no one would disagree if they are honest with their original position that it was understood that the nuclear utilities would undertake an expense of all of the cost of nuclear waste disposal. That was an obligation they agreed to do and that is why the mill tax on each kilowatt hour was imposed, that is why the nuclear waste trust fund. But through this substitute, we have a situation that will exacerbate the shortfall. It is said there is $8 billion in the trust fund, but, Mr. President, from 2033 until 2071, nothing comes into the trust fund because all of the reactors that are currently licensed are shut down. That is the buildup, and that is what this yellow line indicates, because it begins to build up and it, too, declines as the expenses are incurred and the revenues into the fund decrease.

So this is a bad, bad amendment, and I urge that it be rejected. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. How much time is remaining on our side?

The PRESIDING OFFICER. Sixteen minutes 30 seconds.

Mr. MURKOWSKI. And the other side has?

The PRESIDING OFFICER. The other side has 19 minutes and 45 seconds.

Mr. MURKOWSKI. I do not have need for further discussion. I wonder if the other side would consider yielding back their time since we are going to have a rollcall vote on this tomorrow.

Mr. BRYAN. Let me ask my colleague if he cares to speak.

Mr. REID. Mr. President, I will be happy to yield back time.

Mr. BRYAN. I am wondering, I might say to the chairman, at one point we had been told that one of our other colleagues may want to speak, and I refer to the ranking member on the committee. I do not know if that is still the case. May we suggest the absence of a quorum and check with him?

Mr. REID. I am wondering if we can withhold that. Maybe we can set this aside and go ahead and work on the Bingaman amendment. Would that save time?

Mr. MURKOWSKI. Anything that moves us saves time.

Mr. REID. Mr. President, I ask unanimous consent that the pending amendment be set aside and we return to the Bingaman amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. MURKOWSKI. If I may, I would appreciate it if we could find out if there is going to be any further Members wishing to speak on the Domenici amendment.

The PRESIDING OFFICER. The Senator from Alaska.

AMENDMENT NO. 31

Mr. MURKOWSKI. Mr. President, first of all, let me spend a little time thanking the efforts of Senator BINGAMAN from New Mexico for his efforts on this bill. He and his staff have worked very, very hard. I think what we have up to this point is a much better piece of legislation as a consequence of the efforts of Senator BINGAMAN and his staff. In the committee markup, as I recall, Senator BINGAMAN had amendments touching about eight different issues, and we were able to eventually accommodate the Senator from New Mexico on seven of those. We unfortunately could not accept all the amendments, but we certainly resolved to work with him and his staff and continue to do so as we debate the substitution, and the Bingaman amendment that is before us.

I think we have made progress. Progress was made on licensing requirements for the temporary storage facility. Progress was made in the application of NEPA. Progress was made on leasing standards for a permanent repository. Progress was made on preemption of other laws, and certainly progress was made on nuclear waste fee requirements.

I think it is fair that we agree that Nevada should be chosen as the permanent repository. I was a little confused in his statement where he implied that it was unfair that Nevada would necessarily be chosen as the last, I guess the last possible choice or the choice of last resort, or words to that effect.

We have 50 States out there and nobody wants it. I have said time and time again, you can't throw it up in the air, it is going to come down somewhere. So I think it is imperative that

we recognize that we have to choose a site, and that site is going to be objected to by the delegation from that State.

We have chosen a permanent repository in Nevada, assuming that it meets the requirements. Yucca Mountain was chosen after looking at other sites, other sites in other States.

Nevada is the preferred site for a repository. Nevada has been selected and, as a consequence, we have 5 miles of tunnel that have been completed there. We have expended $6 billion. We are committed, probably, by the time we are complete to spend up to $30 billion. So that is a given. I would say we agree Nevada should be chosen for an interim facility if the viability assessment for the permanent repository at Yucca Mountain is positive, and I think that is, more or less, the opinion of my friend from New Mexico.

I think it is further apparent we agree that the President should have time to pick an alternative site, even in the event that Yucca Mountain is determined not to be viable as a permanent repository.

We have come a remarkable distance toward total agreement. Unfortunately, we have this one area where we have not been able to agree and I think that is, of course,the substance of the Bingaman amendment.

I think what we have here, in our opinion, and I tried to cite this early in our debate, is an effort to try and get this resolved informed by past debates on this subject and the history of the issue. If there is any way out of a conclusion to address the disposition of this waste, somebody is going to find it, Mr. President.

We clearly see a lack of direction from the administration on this. I personally communicated in three specific letters to the President asking what the administration's position is. The administration, in all fairness, simply does not have a position.

You can look at some of the rhetoric that has come out of some of the newspapers relative to the administration's position. It is kind of surprising to comment on whether they are a little bit naive or not well informed, but from the Thursday, April 10, Congress Daily, White House Council on Environmental Quality Chairwoman Kathleen McGinty said yesterday that the administration would be ''loathe to consider'' legislation that would force the Energy Department's hand in building the temporary storage facility before it knows the waste would be able to stay at Yucca Mountain. ''Loathe to consider'' legislation that would force the Energy Department's hand in building the temporary storage facility before it knows the waste would be able to stay at Yucca Mountain.

That is totally inaccurate because if one looks at the schedule in the bill, in my substitute, if Yucca is viable by December 1998, a viability assessment will go to the President. March 1999 would be the deadline for a Presidential determination on viability.

If there is no negative determination, the Nevada test site is determined to be the site. The reason for that is obvious. If we do not name a site, we are going to be drifting around here where we are today.

April 30, 1999, the Secretary files licensing application with NRC.

Approximately August of the year 2000, construction begins when the EIS is complete.

No later than June 30 in the year 2003, fuel acceptance begins.

Now, how can the administration interpret that this legislation would force the Energy Department's hand in building a temporary storage before it knows the waste would be able to stay at Yucca Mountain?

Construction cannot begin until August in the year 2000. Somebody might say, ''Well, Senator, what's the big deal here? Why not wait for Yucca Mountain to be done?'' Well, we are told by the Secretary of Energy, Hazel O'Leary, that it will be the year 2015 before Yucca is completed, certified, licensed, and ready to take fuel.

That is why, Mr. President. The ''why'' is that the time is now. We have a contractual commitment to take this waste beginning next year, 1998. We made a contract with the nuclear power industry. We have collected $13 billion from the ratepayers of this country. They are expecting performance, and the Government has not any capability. The Government is not going to be able to accept that waste. And the Government is going to be liable for damages.

Every Member of this body has an obligation to minimize the Government's liability associated with those damages. That is what a temporary repository at Yucca Mountain is all about: expediting the process. So if there is anybody in anybody's office who is misconstruing the timing of this—Katie McGinty, of the White House Council on Environmental Quality, has somehow gotten an interpretation that we would force the Energy Department's hand in building a temporary storage facility before it knows the waste would be able to stay at Yucca Mountain. It is totally inaccurate; and that is an understatement, Mr. President.

Let us talk about Yucca not being viable.

If Yucca is not viable, September of the year 2000 would be the deadline for the President to designate a site.

February of the year 2001 would be the deadline for Congress to approve a site.

And if no site is designated and approved, the Nevada test site is the site.

March 2001 the Secretary files a license. July 2002, construction begins.

September 2005, fuel acceptance begins.

So this is where Senator BINGAMAN and I have our departure. We feel we have to have a bottom line on this debate. We feel that we must firmly chart a predictable and sure course to a safe, interim storage facility and get it done now, not next year, not in 2 years or 5 years or 2001 or 2010 or 2011. I do not want to be standing here in another 4 our 5 years and have to find that we are still hung up on a decision.

Congress dealt with this issue in 1982. We thought it had resolved the problem forever. In 1987, we had to deal with it again. At that time we were told we had resolved nuclear waste once and for all.

This is the problem, Mr. President. This is the legacy of the program. If it is possible to delay a decision, a decision gets delayed. It has been in progress so far. If it is possible to push the decision off to somebody else's watch, that is what is going to happen. And that has been suggested time and time again. If the process is vulnerable to political pressure, then political pressure will be used.

We have learned the hard way that any trap door left anywhere in the process inevitably, Mr. President, gets used. And it will happen in this case. Any weakness in the approach gets exploited. That is why we have spent $6 billion over 15 years and the Federal Government is still unable to meet its promise to take the waste in 1998. I implore my colleagues, let us not be fooled again. Let us face up to our obligation.

Our bill, Senate bill 104, is destined to make sure there are no trap doors here, no copouts, no more delays. This chart shows our selection process. No matter what happens, the loop is closed. It is a box. Every decision leads to a safe, central storage facility.

Let me explain to you this effort. Here we sit in 1997, as you see over in the left-hand corner of the chart, with the status quo. We have waste in 81 sites in 40 States. That is just the harsh reality. If we do not do anything, that is where it will remain. Your reactors may go down for lack of storage. Your waste is going to remain.

If you want the waste to move, it has to be transported. That is a given. We can do that safely. We have transported 2,400 individual shipments.

So let me follow the red line from next year when we are under contract, the Federal Government, to accept the waste. If Yucca Mountain is viable for a permanent repository, then we have one safe central storage site, it is over. That is one end of the square.

Let us go up. If Yucca Mountain is not viable for a permanent repository, what happens then? Well, then the President can pick an alternative site. OK. And Congress will ratify it, and we come right back with a square box, one safe, central storage site.

If the President does not select an alternative site; in other words, if the President says—''Well, I just won't act''—our bill deals with that possibility. If the President does not act, then where does it go? It defaults. It defaults to the Nevada test site. That is

evidently a problem for my friend from New Mexico.

But on the other hand, history of this matter suggests that if we leave it to the Bingaman amendment—and let me refer to the next chart—this is the exposure. And this is where Senator BINGAMAN and I part company, because, if Yucca Mountain is viable, we are fine. If Yucca Mountain is not viable, then the Secretary picks an alternative site. But if he does not, if he does not do that, no site is chosen and we are right back to where we are. We are leaving it where it is. Let me run through that again to make sure everybody understands it.

This is the difference between the Bingaman and our particular approach with S. 104. If Yucca Mountain is viable, we have a central storage site, no problem. But if Yucca Mountain is not, the Secretary picks an alternative storage site. That is fine if he does—if he does—Mr. President. But if he does not, we are right back where we were.

Look at the other chart.

That is the difference between the two particular versions of this amendment. We give the President the authority to pick an alternative site. Congress ratifies the site, and we are all right. But if the President does not select an alternative site, it goes back to the Nevada test site.

That is where we are, Mr. President. I think it is fair to say that our concern with the Bingaman amendment is that in our opinion it creates the trap door, it opens the process to political pressure. It invites indecision, and it invites pressures that will be apparent to do nothing so we will all be back where we are now, 40 States, 81 sites, reactors potentially shutting down because storage sites are filled up, and the stuff sits. It still is not moving.

The Department of Energy tells us that the odds of Yucca Mountain being suitable as a permanent repository are good. I think that they used the odds currently of 90 percent. Well, that is pretty good around here. So the President's finding of suitability looks pretty good. But it is still at his own discretion. I ask all of my colleagues and those in their offices who listen, do you think the Senators, our good friends from Nevada, will try to influence the President's decision? Sure they will. They should. We acknowledge that. Wouldn't you if you were placed in that situation?

If the President decides Yucca Mountain is not viable, not a viable site for a permanent repository, the need for an interim repository becomes even more desperate. The waste simply cannot stay where it is, Mr. President, in 80 sites in 41 States. We cannot afford to start closing nuclear plants that have run out of room for spent fuel because, remember, Yucca, if it is viable, if it is licensable, is not going to be ready until the year 2015.

Under the Bingaman amendment, if the President were to determine that Yucca Mountain is not viable, then all the Secretary needs to do to prevent the designation of a central storage site is to simply fall back to another site; that is my point, leave the waste where it is.

There is another area that I am concerned about in the Bingaman amendment, and that is even if the Secretary does pick a site, the tools provided to make that site a reality are somewhat limited.

Of course, we know that the Secretary does not have the authority to withdraw land for an interim repository. The Secretary does not have the authority to condemn land for an interim repository. I am fearful, under Senator BINGAMAN's amendment, under this goal, we would not be able to reach our mutual goal, which is something where we are both on the same track. We want this waste to move. But we both want it to move now.

With the loopholes in here, I am just convinced they would be used. With the U.S. court of appeals ruling that DOE has a binding legal obligation to take the spent fuel, Mr. President, I just cannot believe that we can accept more failures, more runaround, more delays. We cannot expose the taxpayer to the liability of more damages resulting from the court cases that are going to come up when we are not able to take this spent fuel next year.

Mr. President, I do not want to settle for a failure.

The U.S. Senate should not settle for a failure. I think we can do better, and I hope that we can work out, if you will, some way to address the concerns of my friend from New Mexico. As we look at this chart and recognize—here they are, Mr. President. These are the 80 sites throughout the Nation, in 41 States. They are the sites that have a problem. If we don't relieve this problem with meaningful legislation and if we do it with legislation that provides a trapdoor or a copout or an exit that is convenient, politically or otherwise, it is going to be used. So our liability and our damages are going to be higher, and the fuel is going to stay right where it is now, at 80 sites in 41 States, instead of getting on with the process that we have outlined in S. 104, which is to close the loop.

Let me show you one more time, Mr. President, what we have attempted to do here. We have attempted to force this body to make a decision once and for all. All the safeguards are in here, Mr. President. I want to refer to them again. Under the substitute, if Yucca Mountain is viable, OK, starting in 1998, in December, the viability assessment goes to the President. March 1999 is the deadline for the viability determination by the President. If there is no negative determination, the Nevada test site is the site. That is, if Yucca is viable. On March 30, 1999, the Secretary files license application with NRC. In approximately August 2000 construction begins when the EIS is completed.

The importance of that, Mr. President, is to begin to allay the concerns of the White House and Katie McGinty. They have been loath to consider building a temporary storage site before it knows that the waste would be able to stay at Yucca Mountain. I think that takes care of that.

If Yucca Mountain is not viable, September 2000 is the deadline the President has to designate a site. So he has time. Then another deadline for Congress, February 2001, is the deadline for Congress to approve the site. If no site is designated or approved, OK, it goes back to the Nevada test site. But, even then, there are more delays. In March 2001, the Secretary files a license. In July 2002, construction begins. In September 2005, fuel acceptance begins.

But, Mr. President, I swear that if we do not close in this loop, we won't get the job done. We know that's what the administration prefers—not to address it at this time. We have already seen the smoke and mirrors relative to their side of the story.

I will run through the difference I have with Senator BINGAMAN's amendment. If Yucca is viable, OK, the same, except that Senator BINGAMAN would add a new provision, which is that after the Department of Energy files a licensing application in the year 2001 and NRC finds that Yucca cannot be licensed for some reason, they suspend operations at the interim facility and the NRC has 24 months to recommend another interim site or restart operations at the NTS.

But if Yucca Mountain is not viable, Mr. President—here is where the bear goes through the buckwheat—the deadline for the Secretary to designate an alternate site up here is February 2001. But what happens if he doesn't do it, Mr. President? I will tell you what happens. Nothing. If he doesn't do his job in February of the year 2001, and no site is designated, the stuff stays where it is, at 81 sites in 41 States.

I think that should identify sufficiently for the Members the differences relative to Senator BINGAMAN's view of how to resolve this problem and the view of the Senator from Alaska. I have the deepest respect for my friend, but I am firmly convinced that we have to get it resolved, and if we don't do it now, it isn't going to be done. That loophole out there will be utilized and we will be back here another day, another month, another year on this same process.

Mr. President, I will be happy to try to work out some way to accommodate my friend from New Mexico. I reserve the remainder of my time. I yield the floor.

Mr. BINGAMAN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from New Mexico has 3 minutes remaining, and the Senator from Alaska has 3 minutes remaining.

Mr. BINGAMAN. Mr. President, I will need a few more minutes. I ask unanimous consent that I be allowed to speak for up to 6 minutes.

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

Mr. BINGAMAN. I ask unanimous consent that the Senator from Alaska, of course, be given equal time, if he would like that.

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

Mr. REID. Mr. President, I didn't hear that unanimous consent request.

The PRESIDING OFFICER. The unanimous consent request was that the Senator from New Mexico be allowed to have an additional 3 minutes, totaling 6 minutes, and also that the Senator from Alaska also have up to 6 minutes.

The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, let me clarify my understanding of the situation. First of all, I agree with much of what was said by the Senator from Alaska. The amendment that I am offering here today does not, in any way, interfere with the end result, as long as the determination is made at every step of the process that the Yucca Mountain site is the appropriate site for a permanent repository of nuclear waste. If that decision is made, then we are in agreement. Then the problem does not exist. It is only if a contrary decision is made that we get into disagreement.

Let me clarify here that there is a difference in my understanding between the viability assessment, which is due to be completed on December 1, 1998, and the suitability determination, which is due to be completed on October 31 of the year 2000. I agree that as long as Yucca Mountain is a suitable site and that suitability determination is made in the year 2000, then that is the site we ought to go forward with. So we are in agreement there.

I think the question is, if we want to look at a permanent repository, I think we choose Yucca Mountain, if it is suitable. If it is determined not to be suitable, then the question is, what do we do about an interim facility?

Now, the only reason for putting an interim facility in Nevada is that that is where the permanent repository is going to be. The Nuclear Waste Technical Review Board said in its report, ''If Yucca Mountain proves suitable for permanent repository development, then the centralized storage facility should be located there as well.'' That makes eminent sense to me. Let's have an interim storage facility there, as long as it is decided that we are going to have a permanent repository there. If we decide not to have a permanent repository there, then, in my view, we ought to have the issue come back to Congress, come back to the President to make a decision on what we are going to do.

The reason I think it is so important that we do that is that I think the end result is a different end result than the Senator from Alaska has in mind. The Senator from Alaska is saying the end result is we have to get this waste out of the present locations at these nuclear powerplants and move it to a central site. That is the end result he is looking for. The end result I am looking for is that we need to have geologic storage, permanent storage, of this waste. In my view, my amendment has a much greater chance of getting us to geologic permanent storage of this waste than his solution does.

His solution says that, regardless of what we decide about Yucca Mountain as a permanent repository, we are going to put the waste in Nevada in this interim site, and that's going to happen. There is no way to wiggle out of that. Once the suitability of the Yucca Mountain site is determined, we are going to put the waste in Nevada. It is going to be on an interim site there, and there is no way to wiggle out. So we have accomplished our end result.

My view is that, fine, we moved the waste to Nevada, but it is on a slab of cement out in the middle of the desert. It is not in geologic storage, not in safe storage, not in permanent storage. Therefore, we have not solved the problem that we set out to solve for all these many decades with regard to nuclear waste. The only way to get us to a geologic repository for that waste, a permanent repository for that waste, if the Yucca Mountain proves unsuitable, is to bring it back to Congress and the President and say, ''Choose another permanent repository for this waste.'' That is what is going to have to happen. That is what ought to have to happen. At that time, we also can decide what to do about an interim site.

But it makes no sense to me to be saying, look, if we decide Yucca Mountain is not suitable, we decide we can't put the waste there in a permanent repository, we are still going to put all the waste there; we are going to put it in a central repository, and it is going to be in Nevada because we earlier said it was going to be in Nevada. Granted, the only reason we said that is because we are going to have a permanent repository there. Now we have decided if we can't have a permanent repository there, we can still put the waste there and get it out of these other States. I don't think that is fair to Nevada. I don't think it is good public policy. So I say let's keep the two issues tied together. Let's say, if the permanent repository at Yucca Mountain in Nevada is determined not to be a suitable facility, if we decide that that site, Yucca Mountain, is not a suitable site for a permanent repository, then we need to put the brakes on with regard to using this interim facility in Nevada and say, wait a minute, we have to pick another permanent repository. Let's also make a decision about an appropriate interim storage site.

So that's the difference that we have. I think it is a good-faith difference. The great failing that I see with the substitute the way it now stands is that if Yucca Mountain is determined not to be an appropriate permanent repository, then all of the pressures, the course of least resistance will be to move the waste to an interim site in Nevada, put it on a cement slab out in the middle of the desert. That will be the end of it. The pressure will be off. Congress will be under no obligation to do anything else. The President will be under no obligation to do anything else. The only people who will suffer, or potentially suffer, from this are the people of Nevada. I think that is not a responsible public policy position for us to take. We need to find another permanent repository if Yucca Mountain proves not to be the right permanent repository.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. ENZI). The Senator from Alaska has up to 6 minutes.

Mr. MURKOWSKI. Mr. President, we are so close, yet so far away in our differences here. I think it is fair to say that when the viability assessment is completely at the discretion of the President, we would all agree that it is subject to political pressures. I think we all agree that we have an obligation to make a decision. We have agreed to withhold on a decision until the viability assessment is available. My friend from New Mexico has indicated a concern about the viability and the suitability. I am told that the suitability is 80 percent likely. Viability is 90 percent. Those are very high odds.

The problem of how we resolve this and whether or not we are going to be delaying this action again, I think, has to be related to the fact that when we get the viability assessment, we either choose Nevada if it is positive, or give the President time to choose another site if it is negative.

Only if we are unable to choose another site—only then—would it go to Nevada. That would imply that the President wasn't doing his job, and that Congress wasn't capable of doing their job. And I think we both agree that there would be a significant shirking of an obligation or duty. I am just fearful with the history of this that without some kind of closure that might happen. I believe my friend from New Mexico has stated that the only reason for putting interim in Nevada is if Yucca is permanent. But if Yucca doesn't pan out then we desperately need an interim site, and I think we need it quickly because Yucca is the year 2015 from being ready to accept waste. We have 80 sites in 41 States, and we have lawsuits coming on, and damages coming on. From the looks of this place, Congress doesn't make decisions very quickly.

Let me just say one more thing with regard to delay. Although we may not know the ultimate site of an interim facility, there is one indisputable fact. We need a central temporary storage facility for our Nation's nuclear waste. If Yucca Mountain is viable then it makes sense to put the material at the Nevada test site. If Yucca Mountain is not viable, it will take 50 or 60 years of process at a minimum to find and license another permanent repository site under our present permitting process. We cannot leave nuclear waste at

80 sites around the country over this period of time. That is why the crisis is here. The spent fuel pools at nuclear reactors were not designed for long-term storage.

Mr. President, in all due respect, Senate bill 104 was designed to make sure there were no trapdoors, and that no matter what happens this loop is closed. And this decision has to lead to a safe central storage facility ultimately at a permanent repository in Yucca Mountain.

So, Mr. President, the decision is ours. The time is now. Let's not shirk this duty and this responsibility by leaving an open-end alternative that I guarantee will be used.

Mr. President, I believe my time is up. I yield the remainder of my time.

The PRESIDING OFFICER. All time is yielded.

SECTION 101(F)

Mr. CRAIG. Mr. President, I rise to address a specific provision of the Murkowski substitute amendment to Senate bill 104, the Nuclear Waste Policy Act of 1997. This provision is also in the bill as introduced, and was in similar legislation passed by this body in the last session of Congress. This provision is of special importance to my State and I wish, therefore, to clarify its appearance in this important legislation. I refer specifically to section 101, entitled ''Obligations of the Secretary of Energy,'' paragraph (f), which states, ''Nothing in this act is intended to or shall be construed to modify . . . obligations imposed upon the Federal Government by the U.S. District Court of Idaho in an order entered on October 17, 1995, in *United States* v. *Batt* (No. 91–0054–S–EJL).''

Mr. President, the consent order referred to in section 101 of S. 104 binds the State of Idaho, through the Attorney General, and Gov. Philip E. Batt in his official capacity; the Department of Energy, through the general counsel and assistant secretary for environmental management; and the Department of the Navy, through the general counsel and director, Naval Nuclear Propulsion Program to certain terms and conditions to fully resolve all issues in the actions Public Service Co. of Colorado versus Batt and United States versus Batt.

Mr. KEMPTHORNE. Will the senior Senator from Idaho, my colleague, yield for a question?

Mr. CRAIG. I yield to my colleague.

Mr. KEMPTHORNE. I thank my colleague for bringing the attention of this body to an important provision of Senate bill 104; a provision of significance to the State of Idaho. Could you elaborate on the particular relevance of this consent order settlement agreement to this legislation?

Mr. CRAIG. The consent order has a number of compliance points requiring action by the U.S. Department of Energy at the Idaho National Engineering and Environmental Laboratory, which have bearing on the overall spent nuclear fuel and high-level radioactive waste management storage and disposal program as structured in Senate bill 104. In general terms, the consent order requires specific actions for treatment, storage, disposal, or shipment offsite for disposal of spent fuel and waste at the Idaho National Engineering and Environmental Laboratory, and requires these actions to be performed according to a timetable set down in the consent order.

Mr. MURKOWSKI. Will the Senator yield for a question?

Mr. CRAIG. I yield to my colleague from Alaska for a question.

Mr. MURKOWSKI. I understand that this consent order contains provisions relating to transuranic waste, spent nuclear fuel, and high-level waste. Could you please describe the requirements that specifically relate to commercial spent nuclear fuel?

Mr. CRAIG. As I know my colleague from Alaska is aware, the Idaho National Engineering and Environmental Laboratory has, over the course of its history, received commercial spent nuclear fuel for research and development purposes. One of the largest receipts was the receipt of the discharged core from the Three Mile Island nuclear powerplant in the 1980's. Idaho has also received, and continues to store, expended fuel from naval nuclear reactors. One of the key provisions of the consent order is that the DOE is ordered to remove all spent fuel, including naval spent fuel and Three Mile Island spent fuel from Idaho by January 1, 2035.

Mr. KEMPTHORNE. Will my colleague, the senior Senator from Idaho, yield for a question?

Mr. CRAIG. I yield to my colleague for a question.

Mr. KEMPTHORNE. As a member of the Senate Armed Services Committee, I am familiar with the important national security contribution made by the Navy's Nuclear Propulsion Program. The Idaho National Engineering and Environmental Laboratory contains a Navy facility called the expended core facility. This facility receives the expended, or spent, nuclear cores from Navy vessels for examination and storage. I wonder if my colleague from Idaho will explain, for the benefit of our fellow Senators, how the consent order affects this important national security mission.

Mr. CRAIG. The consent order limits shipments of naval spent nuclear fuel into Idaho. Specifically, the total number of shipments of naval spent fuel to Idaho through 2035 shall not exceed 575 shipments and shall not exceed 55 metric tons. Most relevant to our discussion of Senate bill 104, however, is the Department of Energy's commitment, through this settlement agreement, that naval spent fuel stored at the Idaho National Engineering and Environmental Laboratory on the date of the opening of a permanent repository or interim storage facility shall be among the early shipments of spent fuel to the first permanent repository or interim storage facility.

Mr. MURKOWSKI. Will the Senator yield for a further question?

Mr. CRAIG. I yield to my colleague for a question.

Mr. MURKOWSKI. In the course of deliberations on Senate bill 104, we have debated the merits of exclusions for a number of Department of Energy sites. Specifically, I am referring to exclusion from consideration for selection as the interim storage site for commercial spent nuclear fuel under the provisions of this legislation. Does the consent order we are discussing have any bearing on this question for Idaho?

Mr. CRAIG. The Senator from Alaska is correct. The consent order settlement agreement contains a provision that, except for a narrow exception for the treatment of graphite fuel from the Fort St. Vrain reactor in Colorado, the Department of Energy will make no shipments of spent fuel from commercial nuclear powerplants to the Idaho National Engineering and Environmental Laboratory. Therefore, selection of Idaho for further commercial fuel storage would be inconsistent with and in violation of the consent order.

Mr. KEMPTHORNE. Will the Senator yield?

Mr. CRAIG. I yield to my colleague from Idaho.

Mr. KEMPTHORNE. I thank my colleague, the senior Senator from Idaho, for bringing to the attention of this body the significance of the section 101 reference to the Idaho settlement agreement consent order and its relevance to the legislation before us, Senate bill 104. I also wish to thank my colleague for his continued leadership, along with the Senator from Alaska, on this Nation's nuclear waste problem and for proposing the common sense solution embodied in this legislation.

Mr. CRAIG. I thank my colleague from Idaho for his contribution. Idaho and its citizens have been addressing the legacy of this Nation's nuclear defense missions and the products of its ongoing operations in the Naval Nuclear Propulsion Program for many decades at the Idaho National Engineering and Environmental Laboratory. I believe it is important to explain to my colleagues the relationship of this history, and its pending commitments, to the legislation before us.

SECTION 101(G)

Mr. LEVIN. Mr. President, at page 11, lines 2–5 of the manager's substitute amendment, section 101(g) provides that ''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.'' Is it the manager's intention that this language prevent contract holders from recovering damages or other financial relief from the Government on account of DOE's failure to comply with the 1998 deadline established in section 302(a) of the Nuclear Waste Policy Act of 1982?

Mr. MURKOWSKI. It is not the manager's intention that section 101(g) limit in any way the rights of contract holders, their ratepayers, or those agencies of the State governments that represent ratepayers, from enforcing any right they might have, including the right to hold the Federal Government liable financially, under the 1982 act and the contracts executed pursuant thereto. Section 101(g) is expressly subject to section 101(f), which makes clear that rights conferred by section 302(a) of the Nuclear Waste Policy Act of 1982 or by the contracts executed thereunder are not affected by this bill, including section 101(g). To the extent that act or the contracts established a 1998 deadline and the DOE fails to meet that deadline, it is not the manager's intent that the substitute amendment in any way restrict the relief available to those damaged by the failure to meet the deadline.

Mr. LEVIN. Is it correct then that the manager does not intend that the amendment would restrict the scope of remedies available to the plaintiffs in the litigation in which the Court of Appeals of the District of Columbia has held that the 1998 deadline is a binding obligations of the Federal Government?

Mr. MURKOWSKI. That is correct. It is not the manager's intent that the language of section 101(g) proscribe the court of appeals or any other court from awarding monetary relief or other financial remedies to those who have paid fees to the Government under the 1982 act and the contracts, or those who will incur additional expense on account of the DOE's failure to comply with any right conferred by 1982 act or the contracts.

Mr. LEVIN. If a deadline were imposed by the Nuclear Waste Policy Act of 1997, as reflected by the substitute amendment, as well as by the Nuclear Waste Policy of 1982 or the contracts executed thereunder, is it the manager's intention that section 101(g) would proscribe financial liability for failure to meet the deadline to the extent it is imposed by the 1982 act? For instance, if DOE were to fail to commence the acceptance and emplacement of spent nuclear fuel and high level radioactive waste by November 30, 1999 or thereafter, would the amendment proscribe a court from imposing financial liability on DOE if a court ruled that DOE's inaction constituted a failure to comply with the deadline established in section 302(a) of the Nuclear Waste Policy Act of 1982 and the contracts?

Mr. MURKOWSKI. It is not the manager's intention that section 101(g) limit the rights or remedies available under the Nuclear Waste Policy Act of 1982 or the contracts executed thereunder. If a failure by DOE to comply with any deadline established in the amendment also constituted a failure to comply with a deadline established by the 1982 act or a contract under that act, it is not the manager's intent that section 101(g) modify the right of any contract holder to see any and all remedies otherwise available for the violation of the 1982 act or for breach of the contract. It is the manager's intention that section 101(f) preserve all of those rights, regardless of whether the same or a similar obligation is expressed in the Nuclear Waste Policy Act of 1997.

Mr. LEVIN. With respect to a deadline imposed for the first time in the Nuclear Waste Policy Act of 1997, is it the manager's intention that section 101(g) proscribe a court order that the Secretary of Energy comply with such deadline, or granting relief other than money damages to contract holders?

Mr. MURKOWSKI. It is not the manager's intent that section 101(g) proscribe anything other than financial liability for failure to meet a deadline imposed by the Nuclear Waste Policy Act of 1997. To the extent other forms of relief are available for the Government's failure to comply with a deadline imposed by the amendment, the manager does not intend that such a remedy be prohibited.

Mr. LEVIN. Is it the manager's intention that section 101(g) limit the liability of the United States for anything other than a failure to meet a deadline? For instance, if the Nuclear Waste Policy Act of 1997 imposes an obligation which is not a deadline, such as the requirement to reimburse contract holders for transportable storage systems if DOE uses such systems as part of the integrated management system, is it the manager's intention that that obligation not constitute a financial liability of the United States?

Mr. MURKOWSKI. It is not the manager's intention that section 101(g) limit the liability of the Federal Government for anything other than a deadline. The manager does not intend that any other obligation imposed by the Nuclear Waste Policy Act of 1997 be affected by section 101(g).

Mr. MURKOWSKI. Mr. President, my understanding is that the disposition of the S. 104 will take place tomorrow. We will have a vote on Domenici, we will have a vote on Bingaman, and a vote on final passage. The Parliamentarian has set down I believe on Friday the voting procedure. I might ask for the benefit of Members when we could anticipate votes to occur and the time between the votes.

The PRESIDING OFFICER. Under the orders the votes are to occur beginning at 9 a.m. and there will be 3 minutes between each vote. The votes subsequent to the first vote will be 10 minutes in length.

Mr. MURKOWSKI. Mr. President, I yield the floor.

Mr. SMITH of New Hampshire addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from New Hampshire.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that I might be recognized in morning business for no more than 5 minutes.

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

(The remarks of Mr. SMITH of New Hampshire pertaining to the introduction of S. 567 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BRYAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. BRYAN. Mr. President, I am sure that most of my colleagues who have watched this debate for the last week are of the opinion that after some 5 days of debate that everything that can ultimately be said about this legislation has been said, and I hate to disabuse them of the notion but my colleague from Nevada and I are going to beg their indulgence and talk a little bit more about the substitute that has been offered by the Senator from Alaska.

It is my firm conviction that the belief of the scientific community is that this legislation for interim storage is unnecessary. That is the conclusion advanced by the Nuclear Waste Technical Review Board. We have talked about that a great deal. But the reason this is important is that this is the scientific community. This is not the Senator from Nevada debating with our friends from Alaska, Idaho, or any other State delegation. Not a single member of this Nuclear Waste Technical Review Board is a Nevadan. That is their position; that it is a fundamental flaw in this legislation. It is not necessary. It is not being requested by the scientific community. It is not being supported by the scientific community, and quite to the contrary. The 1996 report says that the Nuclear Waste Technical Review Board was reconstituted with new members in 1997, a new chairman, and a number of new members. And they reaffirmed the position of the technical review board a year ago in concluding that it is not necessary. It is not necessary. So it is premature. It is unwise. It is the worst of policy.

I only wish I were capable, Mr. President, of articulating with more insight, more capacity, and with more persuasive force because it has been said here on the floor of the Senate over and over again that the Nevada test site is the preferred alternative. Mr. President, there is not one scintilla of evidence to suggest that.

Yucca Mountain is being characterized or studied for the permanent repository. But there has been no scientific evaluation or judgment made that the Nevada test site is a preferred alternative—none—because under the current law an interim storage facility cannot be established in Nevada, nor the State of the distinguished occupant

of the chair, nor any other State until application is made for licensure under the permanent site.

So there has been no search in a scientific sense to have a determination made as to an interim site. So anyone who thinks that this is the product of analytical scientific reasoning needs to be aware of the fact that there has been no study, no evaluation, no scientific analysis, nothing—absolutely nothing—that suggests that the Nevada test site is a preferred alternative or a desired alternative; absolutely not because the focus in terms of the Nuclear Waste Policy Act of 1982 is the permanent geological storage. And Yucca Mountain, much to my dismay—I don't like this fact—but Yucca Mountain is being studied or characterized. And that is where the focus has been in terms of scientific study and analysis.

So I think it is important to make that clear distinction. It has been said that the Nevada test site has been used for previous testing programs. That is true. But that is not to suggest that makes it a preferred or a better site than any one of a number of other possibilities around the country. I think we need to try to drive that point home to my colleagues who are studying this issue and who are trying to make some rational judgments based upon the debate we have had over the last 5 days.

The substitute: It has been said that it is a better piece of legislation than the one last year.

I suppose if a terminally ill man is told that he has 6 months to live rather than 3 months to live, that is better news, but it is still not a desirable result and certainly something that would cause little rejoicing.

This is a bad piece of legislation because it destroys a carefully crafted, carefully constructed environmental protection legislative framework that has served America under both Republican and Democratic Presidents exceedingly well for the last 28 years or so.

It has been said by our friends who are arguing for this that we have taken care of the problem of preemption. Those who followed the debate in the last Congress will recall that preemption was at the heart of the issue, and it continues to remain so.

Here is what the law says. Let me just say that the nuclear utility lawyers ought to get an A-plus for being clever and disingenuous, because this is an exceedingly skillful bit of legalistic drafting that produces a consequence that I think no fair-minded person could conclude. The substitute says that except as provided in a couple sections a law, regulation, order, or other requirement of a State, political subdivision of a State, or Indian tribe is preempted.

So the argument that is made in the Chamber is that we are only preempting State law. Not true, not true, not true, because under the legislative system we have established for the environmental acts that have been passed over the last nearly three decades, Federal legislation is enacted whether we are talking about safe drinking water, clean air, clean water, RCRA, in which the States are delegated the ability to enforce if they enact legislation that is equal to or greater than the Federal legislation.

It has been suggested the language that is used now in the new section 501, found on page 59, of S. 104, the substitute, is just what we have in HAZMAT. Not true, Mr. President, not true, not true. HAZMAT has a provision that says except as provided in the appropriate subsections unless authorized by another law of the United States, a requirement of a State, political subdivision of a State, or an Indian tribe is preempted. The operative language ''unless authorized by another law of the U.S.'' It is not by omission, inadvertence or happenstance that operative language ''unless authorized by the U.S.'' has been dropped, because it is that provision of law in the HAZMAT code that says ''unless authorized by another law of the U.S.'' that enables a State statute responding to the delegation of authority given to it under Federal environmental law, that those State laws are protected because they are authorized by Federal law.

So here is what we have. Let us forget for a moment what kind of passion one might have for nuclear waste and a sense, yes, gosh, it ought to be sent somewhere. But let us just talk about policy. If this legislation passes, Nevada will be the only State in the Union that will be unable to enforce a State law enacted pursuant to an environmental delegation of authority.

Now, what conceivable rationale could possibly lead to that conclusion? It is very clear that this is nothing less than a preemption, and so we are talking about safe drinking water, clean air, clean water, RCRA, much as we did in the last session of the Congress when this was debated.

Another provision is kind of interesting as well if HAZMAT be the standard. Under HAZMAT, a State has the ability to make application for a waiver to that preemption of a State law—a law that would not be enacted pursuant to the delegation of Federal authority under our environmental law—but let's just say another provision of State law. A State would have the ability to seek a waiver and a judgment would be made as to whether or not a waiver should be granted.

That provision is not included, not included, not included in S. 104. Furthermore, under the waiver provision, if a State is denied a waiver provision under the HAZMAT legislation, which is again asserted by the supporters of S. 104, S. 104 is virtually—and we will come back to the word ''virtually'' in a moment—identical to HAZMAT. We already have it. No reason to be concerned. This is something that we have established, a precedent. The policy is there. We are just simply asking you to do no more in S. 104 than we have all agreed to be done in HAZMAT.

Not true, Mr. President, not true, not true, because in HAZMAT a State that makes an application for a waiver, that provision that is not available under S. 104, also has the ability for judicial review, to have the denial reviewed in a court of law consistent with the Administrative Procedures Act that exists at the Federal level and State level. But under S. 104 there is no mechanism provided for judicial review.

Another provision ever so subtle is a provision that goes on to say that any law that is not the same as or substantially the same as—this would also be on page 9. I read as follows:

> Except as otherwise provided in this act, a law, regulation, order or other requirement of a State, political subdivision of a State or Indian tribe about any of the following subjects that is not substantially the same as—

''Not substantially the same as.'' That, too, differs from what we have previously had in HAZMAT where we are talking about as long as it is not inconsistent with. A totally different standard. Under S. 104, your State law is preempted if it is not substantially the same. Under HAZMAT, it would be preempted if it was inconsistent with. A big, big difference.

Now, here is what that means. The Senator that presides is from a Western State, and he knows the importance of water law to those of us in the West. He also knows, because his State, like my own, is relatively arid and ground water resources are of critical concern to the viability and the integrity of the economy of his State as well as my own. Under this provision in S. 104, the ground water quality control provisions of State law are preempted, even though those ground water provisions have long predated the debate about nuclear waste, because they are not substantially the same as the provisions of this act. So, in effect, the State of Nevada would be unable to exercise control of its own ground water based upon the standards established by law or regulation because those statements, standards or regulations are not substantially the same as a provision of this act.

So, in effect, we do have a preemption, a preemption in the first instance that gives us the inability to enforce State statutes enacted pursuant to an environmental delegation—the whole raft of Federal environmental legislation which has as its premise to allow States to enforce those standards so long as they enact statutes or regulations that would be equal to or greater than the Federal standard. We have no provision to apply for a waiver, and we have no ability for judicial review. Add to that not only do we preempt those provisions in State law that would be inconsistent with the enactment of S. 104, but those provisions that are not substantially the same. So a whole host of legislative enactments that

have had nothing to do with the debate and Yucca Mountain or nuclear waste could be preempted.

Now, I have to tell you, what possible policy would justify that conclusion? Well, it is our friends to the nuclear utilities who, indeed, want to tie our hands, who, indeed, want to trample upon the environmental protection provisions that all Americans enjoy irrespective of State and to say to one State those provisions shall not be available to your citizens.

I want to talk about the viability assessment because that has been discussed at some length during the course of this debate. I think in order to do so we need to recount a little history.

Currently, a standard is being developed by the Environmental Protection Agency. That direction was part of the Energy Policy Act of 1992. The 1992 Energy Policy Act directs the Administrator of the Environmental Protection Agency to develop and promulgate a standard that is consistent with, and I shall read it:

> The administrator shall, based upon and consistent with the findings and recommendation of the National Academy of Sciences promulgate by rule public health and safety standards for protection of the public from releases from radioactive materials stored or to be disposed of in the repository at Yucca Mountain.

This was not a provision insisted upon by the Nevada delegation. This happens to be a decent policy that directs the EPA to develop a standard consistent with the National Academy of Sciences.

The National Academy of Sciences has come up with its recommendation, and the EPA is about ready to promulgate that standard. So what do we have now? We have legislation now in S. 104 that says the following. It is kind of now we give it to you and now we take it back. Now it says in S. 104 that the Administrator shall achieve consistency with the findings and recommendations of the National Academies of Science and the Commission shall amend its regulations accordingly.

All right, that sounds like basically we are talking about the standards that the Congress directed NAS to come up with the recommendations and the Environmental Protection Agency to adopt.

Not so, Mr. President, not so. Because the following text goes on to change those standards considerably. The risk standard, in terms of the group that is to be examined, in terms of the possibility of risk due to death from cancer, is changed; assumptions are made that are not part of the National Academy of Sciences, particularly the length of period for which the standard shall apply. It is assumed, for purposes of S. 104, that the standard has a premise that there is no population migration into or near or adjacent to the area, that we establish the standard based upon those people who currently live in the vicinity. That is certainly an unrealistic premise, and one that the academy of sciences would certainly reject, particularly in an area, as southern Nevada is, the fastest-growing place in America with a population that now exceeds 1 million people and in which the relentless movement of people in the southern Nevada area each month, and each year, moves to the north and toward Yucca Mountain. So, why would you freeze or limit the ability of those who are to promulgate the standards to only those people who are living where they are living today as opposed to those who would reflect reasonable migration changes?

Another provision is the assumption that there will be no human intrusion. Again, that is something specifically rejected by the National Academy of Sciences. So, we have a standard that is now being changed. It is now being changed. This standard was about ready to be promulgated based upon the 1992 Energy Act directives with respect to the National Academy of Sciences, and requiring the Environmental Protection Agency to adopt a standard that is consistent with those findings. Now we are given a whole additional subset of limitations and restrictions. It is as if one said: I want you to follow with great meticulous care and detail the Constitution of the United States, but you shall not consider the first amendment, you shall not consider the fifth amendment, or the sixth amendment. That is about what we have here. Follow the standards, but you cannot do this, you must not consider this, and you must put a limitation on the period of time for which that evaluation is being given in terms of prospective safety.

So we have a mockery of the standards. The standards are important for a number of reasons, but a lot of debate occurred here earlier this afternoon about the assessment—the viability assessment, as it is called—and the timeline. That is very, very important because the President of the United States is directed to make a viability assessment by no later than March 1, 1999. What is the problem? First of all, we expected that there would, in fact, be a standard promulgated, as I have indicated, because the Environmental Protection Agency, after some 5 years working with the National Academy of Sciences, is about ready to come forth with one. But as I have also indicated in my previous comment, no such standard is going to be approved because, if S. 104 becomes the law, a very different standard will emerge; a very different standard will emerge. So the President of the United States is going to have to make the viability determination. He is told, in the first instance, that he should rely upon the standard promulgated by the Environmental Protection Agency but I must say, in view of the fact that the standard is being changed totally, nobody believes that new standard will be ready by March 1, 1999, when the President has to make his viability assessment.

So, what does this legislation say? I have never seen anything like this. Once upon a time I practiced a little law, I read some statutes, examined some regulations. This provision goes on to say if the standard under section 206(F), that is what we have been talking about, has not been promulgated, and I reiterate I don't believe anybody believes that it will be, because they are being asked now to draft a new standard with all the limitations that we have previously recommended, then, in effect the President shall make this determination relative to an estimate—rather, the Secretary, excuse me—''relative to an estimate by the Secretary of an overall performance standard that is consistent with section 206 (F).''—an estimate, a guess; March 1, 1999, because S. 104 directs that a new standard be prepared, and it has taken essentially the better part of 5 years to develop the standard that was about to be promulgated. So, not only must the President make a viability assessment on a standard that is not in existence, he is directed to make a viability assessment based upon an estimate of what that standard might be—an estimate. That is just a very nice legalism for a guess. How in the world would he be able to make that determination when the technical people, the environmental agency, working with the National Academy of Sciences, would not have such a standard available to him for a determination? So, any suggestion of a standard, any suggestion of a viability assessment that is based upon a standard, is simply not going to occur.

I want to comment on this lawsuit, if I may, before yielding the floor to my senior colleague. We have heard it argued 500 different ways, in every conceivable mood, tense, that this lawsuit, with the decision that the Department of Energy has liability, that this is such a dreadful thing, that this will cause the ratepayers to endure all kinds of hardship, that they will be denied the benefit of that bargain, that it is a terrible, terrible thing and in fairness to the ratepayers we need to get S. 104 enacted.

There is not one word in this legislation that provides any relief to the ratepayers. I happen to think that the ratepayers are entitled to some protection because, in 1998, under no conceivable scenario will any kind of facility be open to which high-level nuclear waste can be transported. But I have to tell you, all of this wringing of hands, all of this gnashing of teeth, all of this great empathy for the ratepayer—and I happen to believe the ratepayer ought to be protected—not a single word in S. 104 provides benefits to the ratepayer because of additional costs which they might incur if, come 1998, they need to provide for additional storage on-site.

Indeed, as has been pointed out time and time again, the Secretary of the

Department of Energy has made it very clear that compensation needs to be made. We have heard all kinds of things: It is going to cost $80 billion, $59 billion, $30 billion—the numbers are as elusive as a shooting star. But the measure of damages that the utilities, on behalf of their ratepayers, are entitled to is spelled out in the contract. It is spelled out in the contract that each utility was required to enter into in 1982 or shortly thereafter, when the Nuclear Waste Policy Act was entered into. It is clearly laid out in article 9, ''delays.'' It is apparently a well-drafted contract.

If the delays are unavoidable, then in such instances the schedule for delivery of nuclear waste is simply modified in accordance with the exigencies as they are in light of the delay.

No monetary damages are assessed. If, however, a determination is made that the delays were avoidable and that, indeed, the Department of Energy bears a responsibility for that delay, then specifically the contract provides:

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.

Mr. President, that is fair and that is reasonable. If, indeed, a determination is made that this is a delay that is at the fault of the Department of Energy, the ratepayer and the utility is entitled to have the sums paid into the Nuclear Waste Trust Fund equitably adjusted to reflect any estimated additional cost incurred by the party not responsible for or contributing to the delay. Mr. President, I agree with that. That is fair to the ratepayer. Indeed, in legislation that I have introduced in each Congress since 1989, I have essentially proposed that kind of remedy.

So, if my colleagues are concerned about the additional cost that the ratepayer may incur because of the unavailability of a repository in 1998, S. 104 provides no comfort for them or their constituents. There is no relief with respect to any additional cost that may be incurred.

Mr. President, I am going to stop here and yield the floor and give my colleague an opportunity to make some comments and then I will conclude my remarks thereafter.

I yield the floor.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the senior Senator from Nevada.

Mr. REID. Mr. President, S. 104 is a bad bill in the form it was originally introduced. The bill in its substitute form is bad—for a lot of different reasons. No one in this body that I know of is more in tune with the substance of legislation than is the junior Senator from New Mexico. This man, who graduated from Stanford University among other schools such as Harvard, is a person who understands the merits of legislation. He has worked for years to try to improve this piece of legislation. He has worked on it because he believes in good public policy. He has failed. He has tried, he has tried, but when it comes right down to it, the proponents of this legislation will not give the junior Senator from New Mexico anything that will really substantively improve the bill. They have tried at the edges to play with it a little bit, but they have not been willing to change the substance of this poor legislation.

The Senator from New Mexico summed up this legislation best in his closing few minutes of remarks today when he said, and I am paraphrasing: It is very obvious what is happening. Once the system is short-circuited and they go around the law that now exists and establish a temporary repository, that will end good science and good law.

In effect, what he was saying is once interim storage is established, the billions, the billions of dollars spent trying to determine if Yucca Mountain is suitable would be wasted. That is what it amounts to. S. 104 is bad. It does not deal with transportation. We do not have the means of safely transporting nuclear waste today anywhere in the world, as evidenced by what happened recently in Germany. We will talk about that later.

Why do all environmental groups—I repeat, all environmental groups, not 65 percent of them, not a majority, not a vast majority, not 85 percent—100 percent of environmental groups oppose this legislation? Not a single group favors this legislation. Why? Because it would be difficult to dream up a scenario that would be worse than this for the environment.

One of the things we have not talked about is terrorism.

We will talk about terrorism in a few minutes, but this legislation does not do anything to address the terrorism that is sweeping this world and is sweeping this country, and this bill leaves the terrorists a sitting duck.

To show how insincere proponents of this legislation are, let's take one amendment that was offered and defeated. We have heard on this Senate floor for the past week how safe it is to transport nuclear waste, how safe it is generally. In fact, we were told by one of the proponents of this legislation that it was safer to transport nuclear waste than it was to pick up a carton of milk at a grocery store and take it to your home. That is not a paraphrase, that is a statement that was made.

If, in fact, that is true—and, of course, it is not—but if it is true and the proponents of this legislation really believe that, why wouldn't they accept an amendment we offered that simply said, if you want to transport nuclear waste through a State, the Governor of that State should agree to let it pass through the State? If this material can be transported safely and the material is as benign as they say, if it is like picking up a carton of milk at 7–Eleven and taking it home, then they should have supported our amendment, but they did not do that.

Mr. President, what is happening can best be illustrated by virtue of an editorial that appeared last week in the Washington Post newspaper. This editorial said, among other things, that this was not the appropriate thing to do, this is not the time to bring up this legislation.

I ask unanimous consent that the full text of the editorial be printed in the RECORD.

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

[From the Washington Post, Apr. 8, 1997]

WASTE VOTE IN THE SENATE

The Senate is scheduled to take a cloture vote today on a bill to create an ''interim'' national nuclear waste repository in Nevada. The outcome is likely to be the same as last year: votes enough to limit debate and pass the bill, but not to overcome the president's promised veto. Our own sense is that the bill is the wrong solution to a genuine problem. The president is right to keep it from passing, but then the administration owes a real alternative, not just lip service to a process that is a pretext for deferral.

Waste disposal always has been the great unsolved problem of nuclear power. Proponents like to say the nuclear alternative is clean when compared with such other sources of power as coal. It is until you get to the disposal issue: what to do with the spent fuel rods. Then it's the dirtiest of all.

The expectation always has been that government would play a major part in the disposal issue. In 1982 Congress spelled out the process. A fee would be imposed on consumers of electricity to create a fund; the fund would be used to plan, build and fill a permanent national nuclear waste repository. By a process of elimination having at least as much to do with congressional politics as with science, Yucca Mountain in Nevada was subsequently chosen, over the protests of Nevadans, as the likeliest site. Safety, environmental and all manner of other studies have been underway ever since.

The government was supposed to start accepting the spent fuel in 1998. There isn't a prayer it will be ready, and meanwhile the material is building up in the storage facilities at the power plants. The bill to create the interim facility is an effort by the industry to force the government's hand on the theory that, absent a forcing move, nothing will ever be done. The utilities are entitled to feel that way. But the interim facility would be adjacent to Yucca Mountain, and the fear on the other side is that that would be it: Yucca Mountain would become the permanent site whether the studies showed it to be best suited or not.

The permanent storage decision is too important to be made under that kind of pressure. At the same time, the administration needs to give the industry some assurance that the process won't drag on forever. There are critics of the industry who would like to see it choke on its own waste, but that's not a solution. Whatever the future of the industry, the waste is here. There needs to be a policy of something other than deferral to deal with it.

Mr. REID. Mr. President, ''Waste Vote in the Senate'' is the headline. The Washington Post said:

Our own sense is that the bill is the wrong solution to a genuine problem . . . Proponents like to say the nuclear alternative is

clean when compared with such other sources of power as coal. It is until you get to the disposal issue: what to do with the spent fuel rods. Then it's the dirtiest of all . . . .

The permanent storage decision is too important to be made under that kind of pressure.

The Washington Post, Mr. President, said that we are being stampeded into a decision that will have long-term detrimental effects on this country. I believe the Washington Post.

We also know that the President of the United States is going to veto this bill. He is going to veto this bill if it gets 100 votes, which it will not. He is going to veto this legislation no matter how many votes it gets, because Bill Clinton believes this is bad policy.

The President has said in a statement of policy earlier this month, about a week ago, that this was bad policy for our country. This statement has been coordinated with all the Federal agencies. We should remember that the President is going to veto this for good reasons: It is bad policy.

The easiest thing for the President of the United States to do would be to join with a vast majority who support this legislation, not the majority of people, because the President is helping to set public policy to oppose this legislation, but it would be easy for him, less controversial for him, if he would go along with the madding crowd here that says, ''Let's support this legislation.'' He won't do that for a number of reasons, not the least of which, as I indicated, it is bad public policy.

We also know that the Secretary of Energy, Federico Peña, opposes this legislation, with a letter directed to us on April 8, 1997.

I ask unanimous consent that a statement of administration policy be printed in the RECORD.

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

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, April 7, 1997.

STATEMENT OF ADMINISTRATION POLICY

(This statement has been coordinated by OMB with the concerned agencies.)

S. 104—NUCLEAR WASTE POLICY ACT OF 1997—MURKOWSKI (R–AK) AND 27 COSPONSORS)

If S. 104 were presented to the President in its current form, the President would veto the bill. S. 104 would undermine the credibility of the Nation's nuclear waste disposal program by, in effect, designating a specified site for an interim storage facility before the viability of that site as a permanent geological repository has been assessed. The bill would also undermine the ongoing work on the permanent disposal site by siphoning away resources for an interim site.

The Administration is committed to resolving the complex and important issue of nuclear waste storage in a timely and sensible manner. The Federal government's long-standing commitment to permanent, geological disposal should remain the basic goal of high-level radioactive waste management policy. This Administration has instituted planning and management initiatives to accelerate progress on assessing Yucca Mountain, Nevada, as a permanent geologic disposal site, and urges the Congress to provide sufficient resources to allow the Administration to complete the Yucca Mountain viability assessment in 1998.

S. 104, however, would effectively establish Nevada as the site of an interim nuclear waste storage facility before the viability assessment of Yucca Mountain as a permanent geologic repository is completed. Moreover, even if Yucca Mountain is determined not to be viable for a permanent repository, the bill would provide no plausible opportunity to designate a viable alternative as an interim storage site. Any potential siting decision concerning such a facility ultimately should be based on objective, science-based criteria and informed by the likelihood of the success of the Yucca Mountain site.

In addition, the Administration strongly objects to the bill's weakening of existing environmental standards by preempting all Federal, State, and local laws inconsistent with the environmental requirements of this bill and the Atomic Energy Act. This preemption would effectively replace EPA's authority to set acceptable radiation release standards with a statutory standard and would create loopholes in the National Environmental Policy Act.

Mr. REID. Mr. President, I ask unanimous consent that the letter from the Secretary of Energy to the Honorable TOM DASCHLE setting forth the Department of Energy's policy be printed in the RECORD.

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

THE SECRETARY OF ENERGY,
Washington, DC, April 8, 1997

Hon. TOM DASCHLE,
U.S. Senate, Washington, DC.

DEAR SENATOR DASCHLE: I am writing to inform you of the Department of Energy's views on S. 104, the Nuclear Waste Policy Act of 1997, as reported by the Committee on Energy and Natural Resources.

The Administration's position on nuclear waste is clear: we are committed to resolving the complex and important issue of nuclear waste disposal in a timely and sensible manner, consistent with sound science and protection of public health, safety, and the environment. The Administration believes that the federal government's longstanding commitment to permanent, geologic disposal should remain the basic goal of high-level radioactive waste management policy.

The Administration's position on S. 104 is also very straightforward. The Administration believes that a decision on the siting of an interim storage facility should be based on objective, science-based criteria and should be informed by the viability assessment of Yucca Mountain. Therefore, as the President has stated, he would veto any legislation that would designate an interim storage facility at a specific site before the viability assessment at Yucca Mountain has been completed.

I believe that one of the premier challenges the Department of Energy faces is that of nuclear waste disposal. This challenge requires that we develop the scientific data for the viability assessment of Yucca Mountain as the repository of the Nation's radioactive waste. The repository effort is essential not only for commercial spent fuel disposal but also for the cleanup of the nuclear weapons complex and disposal of weapons-grade materials in furtherance of our nuclear non-proliferation goals.

I am sensitive to the frustrations expressed over the Department's inability to accept spent nuclear fuel by January 31, 1998. As I committed during the confirmation process, I have met with representatives of both the utility industry and environmental organizations to discuss ways of mitigating the impacts of this delay. I will also be meeting in the near future with representatives of the state public utility commissions.

Last week, I began a cooperative process with representatives of the utility industry to address the difficult and controversial issues of how the Department will meet its 1998 contractual commitment. I believe we had a constructive discussion of these issues, and we agreed to set up working groups to continue the discussion in the next several weeks. We discussed a number of options for meeting the 1998 commitment, ranging from compensation, to taking title to utilities' spent fuel, to moving the fuel. I also expressed my personal commitment to fill the position of Director of the Office of Civilian Radioactive Waste Management as soon as possible and committed to provide more frequent technical updates on the progress of work at Yucca Mountain to stakeholders.

Unfortunately, the legislation now pending before the Senate, S. 104, contains elements that undermine the Federal government's longstanding commitment to seeking a permanent solution to the nuclear waste problem. The bill would effectively establish the Nevada Test Site as the site for an interim storage facility before the Yucca Mountain viability assessment is completed. If the Yucca Mountain site is found not to be viable, the provisions of the bill do not provide sufficient time to designate, license, and construct a facility at any alternative to the Nevada Test Site, thereby forcing the siting of an interim facility in Nevada regardless of the outcome of the viability assessment. This would be an unwise rush to judgment. Furthermore, designating an interim storage site, before the government can be informed by the repository viability assessment, would jeopardize the long-term strategy for the ultimate disposal of nuclear waste and undermine public confidence in the near-term transportation and storage activities.

S. 104 also contains unrealistic schedules for beginning interim storage facility operations, which, could not be met even if a site were available today. It would repeat the mistakes of the past with regard to unrealistic schedules for completing actions without regard to generating public support. Such schedules would result in excessively curtailed regulatory processes and potential competition for funding between the repository program and interim storage project.

Finally, I want to emphasize that the Department of Energy has, in fact, made significant progress in this program over the last four years and will be in a position by late 1998 to assess the viability of the Yucca Mountain site for a geologic repository. The Department has underway an aggressive site characterization program at Yucca Mountain focusing on the most critical technical questions (e.g., hydrology, waste package lifetime, and the effects of heat on the repository block). The Department has reduced the cost of the technical and scientific work associated with preparing a license application by approximately 40 percent. The Department also has excavated over four miles of the five-mile underground loop of the Exploratory Studies Facility and expects to complete the tunnel this spring and complete seven test alcoves by the end of this year. Following completion of the tunnel, the Department will collect additional scientific and engineering data in order to prepare the materials necessary to complete the viability assessment. Designation of an interim storage site prior to completion of this

work is likely to undermine public confidence that a repository evaluation will be objective and technically sound.

For all of these reasons, I urge you and your colleagues to join the President and the Administration in opposing this legislation.

Sincerely,

FEDERICO PEÑA.

Mr. REID. Also, Mr. President, I have from the Council on Environmental Quality—and let me explain to the viewers what this is. The President has, and it has been in the last 20 years, an agency within the Executive Office of the President that gives the President advice on environmental issues. The chairperson of that very important office is Katie McGinty. Her office has advised the President this legislation is bad legislation. She has advised the minority leader and the majority leader of the U.S. Senate that it is bad policy.

I ask unanimous consent that a letter dated April 7, 1997, indicating Katie McGinty's absolute opposition to this legislation be printed in the RECORD.

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

EXECUTIVE OFFICE OF THE PRESIDENT, COUNCIL ON ENVIRONMENTAL QUALITY,

Washington, DC, April 7, 1997.

Hon. TOM DASCHLE,
U.S. Senate, Washington, DC.

DEAR SENATOR DASCHLE: The purpose of this letter is to express my opposition to S. 104, which effectively mandates construction of an interim storage facility for nuclear wastes at the Nevada Test Site, near the location under consideration as a permanent geologic repository at Yucca Mountain. This Administration supports a long-term solution for the disposal of nuclear wastes, but not, as would be the case with S. 104, at the expense of sound science and public health, safety and environmental protection. While I am troubled by a number of provisions in the bill that would undermine such safeguards, I am particularly concerned over the dismantling of the environmental impact assessment process under the National Environmental Policy Act (NEPA).

Congress passed NEPA in 1969 to ensure that federal agencies integrate environmental values, as well as social, economic and technical factors, into the decision making process. To that end, section 102 of NEPA establishes an ''action forcing device,'' known as an environmental impact statement (EIS), for proposed major federal actions significantly affecting the quality of the human environment. At the heart of the EIS process is the alternatives analysis, in which reasonable alternatives to the proposed action are addressed in an effort to provide a clear basis of choice by decision makers and the public, and to ensure that the most environmentally sound course of action is taken.

S. 104 renders the NEPA process meaningless by precluding the incorporation of NEPA's core values which are necessary for making informed and timely decisions essential for protecting public health, safety and environmental quality. Consequently, the bill all but locks into place both interim and permanent storage sites by giving decision makers no reasonable options in the event that Yucca Mountain is found unsuitable.

If Yucca Mountain is found unsuitable for permanent geologic disposal, the time lines in the bill virtually ensure there will not be enough time for the President to designate, and the Secretary of Energy to construct, an interim site. Further, since the EIS for both the interim and permanent facilities are not required until well after the critical decisions have been made—including site selection, design, and some construction—either or both facilities may well be so far into development that if health, safety or environmental problems are identified, there would be no time, nor would it be economically feasible, to look to other sites. This is even more compelling since the bill prevents actions taken by the Secretary and the Nuclear Regulatory Commission from being challenged in court until after these critical decisions have been made.

Finally, S. 104 precludes the EIS from addressing potential long-term environmental impacts of interim storage; only the initial term of the license or subsequent renewal periods may be considered. In addition, the bill tends to downplay health and safety concerns of state and local communities by stating that the EIS may address the environmental impacts of the transportation of the nuclear wastes to the interim storage facility, only ''in a generic manner.''

The permanent disposal of nuclear waste is critical to all Americans, and to future generations. When Congress passed NEPA in 1969, it envisioned a decision making process that would ensure that federal agencies ''look before they leap.'' This can occur only if reasonable alternatives to a proposed action are explored earlier in the planning stages, with meaningful public involvement. Only then can an agency make a fully informed decision, one which provides assurances for the maximum possible protection of human health and the environment.

Thank you for your consideration of this matter. Please do not hesitate to contact me or members of my staff if we can be of further assistance.

Sincerely,

KATHLEEN A. MCGINTY,
Chair.

Mr. REID. Mr. President, not only do we have Government agencies opposing this legislation, we have already established that the scientific community opposes this legislation. When this legislation was established, it was determined that there should be some nonpartisan, scientific group that could give the Congress and the President a scientific view as to what was happening on nuclear waste.

The Nuclear Waste Technical Review Board was established, and a group of scientists were selected. The chairman of this group is from prestigious Yale University. He is a dean at one of the schools there. They have said, do not support this legislation, interim storage of nuclear waste should not be.

Mr. President, in addition to scientists, we also have environmental groups all over the country who oppose this legislation.

So I guess I would say to the Chair and those within the sound of my voice, which position would you support? The position of the monopolistic nuclear utilities, the nuclear power lobby? Or the scientific community unions, like the United Transportation Union, environmentalists, and churches? I would say, first glance and second glance and third glance, you would go along with the churches, scientists and the environmentalists.

I am not going to read and have printed in the RECORD the statements from almost 200 environmental groups, but let me just give a brief statement from an environmental group in Atlanta, GA. This group is called WAND from Atlanta, GA, W-A-N-D. I have a letter written to every Senator:

[We strongly urge] you to oppose S. 104, the Nuclear Waste Policy Act . . . vote against final passage [of this bill].

S. 104 paves the way for a new era of disregard for public health and safety. The bill carves loopholes in the National Environmental Policy Act, preempts other environmental laws, and eliminates licensing standards for permanent repository. The radiation release standard set by the bill for the permanent repository of 100 millirems would allow individuals to receive four times as much radiation as permitted by current regulations for nuclear waste storage. . . .

S. 104 mandates interim storage. . .despite the lack of justifiable rationale for interim storage and safety concerns with that site. In the process this bill weakens environmental standards that protect the public, preempts states' rights, and limits public participation in the decisionmaking process.

I ask unanimous consent that the full text of the Women's Action for New Directions in Atlanta, GA, be printed in the RECORD.

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

WOMEN'S ACTION FOR NEW DIRECTIONS,

Atlanta, GA, March 28, 1997.

U.S. Senate,
Washington, DC.

DEAR SENATOR: Women's Action for New Directions (WAND) strongly urges you to oppose S. 104, the Nuclear Waste Policy Act of 1997, support a likely filibuster by Senators Bryan and Reid, and vote against final passage should this bill come to the floor.

S. 104 paves the way for a new era of disregard for public health and safety. The bill carves loopholes in the National Environmental Policy Act, preempts other environmental laws, and eliminates licensing standards for the permanent repository. The radiation release standards set by the bill for the permanent repository on 100 millirems would allow individuals to receive four times as much radiation as permitted by current regulations for nuclear waste storage. By setting aside important regulations and standards for short-term expediency, the bill sets the stage for future exemptions when other radioactive waste problems, such as cleanup of the nation's nuclear weapons complex, become too perplexing or expensive.

S. 104 mandates interim storage for high-level waste at the Yucca Mountain Nevada site, the proposed permanent repository, despite the lack of justifiable rationale for interim storage and safety concerns with that site. In the process this bill weakens environmental standards that protect the public, preempts states' rights, and limits public participation in the decision-making process. It would set into motion the largest nuclear waste transportation project in human history, sending thousands of tons of radioactive waste onto the roads and railways in 43 states, without safety standards. It imposes an unrealistic November 1999 date for the beginning of high-level waste transportation, despite Nuclear Regulatory Commission conclusions that the waste can stay where it is for 100 years.

Even amendments added to change some items in the bill, such as Senator Wyden's amendments protecting Hanford from becoming an interim dump site, and some

transportation provisions, do not address the overall failures of the bill and its mockery of environmental protection.

We believe the nation's current nuclear waste policy is fundamentally flawed. It places an unfair burden on politically isolated, often indigenous people, endangers public health and safety, . . .

* * * * *

Mr. REID. Mr. President, native Americans have joined together almost in unison against this legislation. Native Americans also have an organization called National Environmental Coalition of Native Americans, NECONA. They have said this legislation is extremely bad. They have done this in the form of a letter written on March 31 of this year:

[D]eveloping a storage facility now would jeopardize the repository program and has the added risk of prejudicing any future decision about the suitability of that site. . .

The DOE lists 109 cities of over 100,000 people which would be impacted. Dozens of our tribes would also be impacted, and the most recent DOE survey of tribal and state capabilities to deal with nuclear transportation accidents revealed many serious gaps in preparedness.

I ask unanimous consent that the full text of the NECONA statement be printed in the RECORD.

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

NATIONAL ENVIRONMENTAL COALITION OF NATIVE AMERICANS,
Prague, OK, March 31, 1997.

DEAR SENATOR: We are writing to you as a non-profit, educational coalition of Indian people who have been long concerned about national and international nuclear waste policy. Some of us live near current nuclear waste sites, and others are threatened with massive transportation impacts if plans for future nuclear waste sites are implemented. Seventy-one tribes in North America have declared their lands to be Nuclear Free Zones.

We urge you to oppose the current Senate bill S. 104 which calls for centralized interim storage of high level nuclear waste and nuclear irradiated fuel at the Nevada site at Yucca Mountain. NECONA, with other environmental groups, views this bill as an unwise re-direction of U.S. nuclear waste policy.

Congress's own Nuclear Waste Technical Review Board in March 1996 released a report which stated forcefully that ''there are no compelling technical or safety reasons to begin moving spent fuel from reactor sites for the next several years, so the development of a centralized storage facility should be linked to the decision about the suitability of Yucca Mountain,'' in about five years. ''[D]eveloping a storage facility now would jeopardize the repository program'' and ''has the added risk of prejudicing any future decision about the suitability of that site . . .''

The industry's bills, for example S. 104, to the contrary would direct DOE to place its ''highest priority'' effort on a temporary ''interim storage facility'' in Nevada. While we have serious concerns about the DOE program at the Yucca Mountain site, we do not wish to see a reversal of the current policy, since the 1982 Nuclear Waste Policy Act, of placing highest priority on a continued search for long-term disposition of nuclear waste.

The nuclear utility industry is pushing in these bills an irresponsible and phony ''solution'' to the problem of nuclear waste. The U.S. Department of Energy in 1996 produced new national maps depicting the national and state routes, by highway and rail, over which massive numbers of irradiated fuel shipments will move beginning around 1999 if the legislation is enacted. The DOE lists 109 cities over 100,000 which would be impacted. Dozens of our tribes would also be impacted, and the most recent DOE survey of tribal and state capabilities to deal with nuclear transportation accidents revealed many serious gaps in preparedness.

The nuclear industry should not be allowed to wash their hands of their ever-mounting nuclear wastes by merely putting the wastes on the rails and highways for thirty years on the way to an interim storage facility—which will most nearly resemble a parking lot—in Nevada.

* * * * *

Mr. REID. Mr. President, I will also state that the Physicians for Social Responsibility, a group consisting of 16,000 American physicians, oppose this legislation. We have a letter from their executive director, Dr. Musil, who says to every Senator:

We . . . oppose Senate bill 104 . . . because it mandates a badly flawed nuclear waste management strategy which potentially endangers public health.

I ask unanimous consent that the full text of this letter be printed in the RECORD.

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

PHYSICIANS FOR SOCIAL RESPONSIBILITY,
Washington, DC, March 25, 1997.

DEAR SENATOR: Physicians for Social Responsibility is one of the nation's largest organized medical societies, with more than 16,000 members and supporters nationwide, representing all major fields of medicine. We write to urge you to oppose Senate bill 104, the Nuclear Waste Policy Act of 1997, because it mandates a badly flawed nuclear waste management strategy which potentially endangers public health.

S. 104 would allow construction of an ''interim'' nuclear waste dump near Yucca Mountain in Nevada. Storing highly radioactive waste at the site presents a potentially serious public health danger. The Geological Society of America has reported at least 15 small earthquakes since May 1995 at Yucca Mountain, which sits atop two earthquake faults. Moreover, transporting waste where long-term isolation cannot be assured is irresponsible and creates new and possibly greater dangers.

S. 104 would require the greatest nuclear waste transportation project in history. It would put 95% of the radioactivity of U.S. nuclear waste on our nation's roads and railways in casks of questionable safety. The bill would send highly radioactive nuclear waste through 43 states within one-half mile of 52 million people, providing minimal protection to local communities.

S. 104 would exempt nuclear waste from most environmental laws. The bill would exempt site selection, license application, and construction from the Environmental Impact Statement (public participation) process normally required by the National Environmental Policy Act. It would also set radiation release standards far higher than any other standard, presenting greater risks to public health and safety.

Alternatives should be explored. Our organization seeks a thorough examination and review of all national nuclear waste policies and programs. Such a process should include meaningful and effective public participation to ensure a program that is safe and acceptable to the American public.

We, as health professionals, are deeply concerned about the grave dangers S. 104 would pose to public health and safety. Please do not trade protection of human health and the environment for a short-term non-solution to the nuclear waste problem. Please vote no on S. 104.

Sincerely,

ROBERT K. MUSIL, PH.D.,
Executive Director.

Mr. REID. Mr. President, in short, this legislation is bad. The technical experts say it is bad. There is no technical or safety reason to move spent nuclear fuel. It is before us for one simple reason, and that is the power of the nuclear utilities. The motive of the nuclear utilities is more money. We have already established the huge profits they make. I compared their 17 percent average profit to what I learned in a case that I handled against Safeway Stores. They make a little over 1 percent on their volume. The nuclear utilities make 17 percent. This legislation is here, it is motivated by money, and they want more money. Their greed is endangering the American public, our fragile environment and the Nation's policy to develop a permanent repository for spent nuclear fuel and high-level radioactive waste.

This bill, S. 104, is antienvironmental. The bill is opposed by every environmental group in America, as I have stated several times. This bill is a disaster for the environment. The public opposes this legislation because they see the facade of S. 104's hysterical claims of crisis for onsite storage. This is not true.

The real motivation, we have established, is money. The best option is to leave it on site, right where it is today, Mr. President. We would save billions of dollars, and it would be safe. Everyone should be outraged by this legislation. No better evidence of bad legislation exists than that the provisions of the legislation prohibit discussion and full and open disclosure of the bill's consequences and its alternatives.

S. 104 is proposing to violate the intent of the National Environmental Policy Act of 1969, because the nuclear power industry would fail in its efforts if the law were obeyed. The nuclear power industry is indifferent to environmental quality, especially when it comes to money.

This legislation would try—and I underline ''try''—to prematurely ship tens of thousands of tons of spent nuclear fuel needlessly before the country is ready to do that. Past shipments of nuclear waste showed there would be about one accident on the road or rail for every 300 shipments. That suggests, under S. 104, we would have at least 50 accidents involving high-level nuclear waste.

That is only part of the story, because in the examples that they used, we are talking about very short hauls of nuclear waste. Here we are talking about hauling nuclear waste thousands of miles.

Most of the shipments under this legislation would be transcontinental. Truck transport statistics predict about six accidents every million miles, while rail statistics predict about 12 accidents per million miles.

Using these statistics, the Nation should expect more than 160 accidents involving spent nuclear fuel or high-level radioactive waste. Each of these accidents would risk radioactive dispersal from canisters, each of which contain the radiological equivalent of 200 Nagasaki bombs. They are talking about hauling this poison, and the canisters have not even been designed. The only thing they designed are requirements that canisters survive only if you are going less than 30 miles an hour and have fire temperatures of only 1,475 degrees.

We all know that most accidents occur going more than 30 miles per hour. The technical community knows that diesel burns on the average at 1,800 degrees. The canisters survive only 1,400-plus degrees, 1,475 at the most. Under some conditions, Mr. President, diesel fuel burns at temperatures exceeding 3,000 degrees, more than twice what the canisters would withstand.

So if this is not enough, the chairman of the Nuclear Waste Technical Review Board also opposed this plan, as I have already mentioned, because the country is not ready yet to ship nuclear waste.

Truck crews have not been trained. There is no integrated emergency response plan for these accidents. Police, fire, emergency, medical, hazardous material management, radioactive material management—all these teams must be developed, and once they are developed become an integrated capable force.

The response force needs an accepted and capable command and control structure to organize their action. They do not have one.

The response force needs to be equipped with technical gear peculiar to radioactive material management. They do not have it.

The response force needs to train together so they can work together when it becomes necessary. Integrated training has not been done or even contemplated.

It could not be more obvious that we are not ready to move spent nuclear fuel or high-level radioactive waste across this country.

S. 104 is an open invitation to terrorists. We know that terrorists will do anything to grab a headline. Terrorists exist both at home and abroad. Terrorists can move freely through this country. Everybody knows the routes and schedules of waste shipments. Weaponry exists that can breach waste containers. Everybody knows that terrorists with a little bit of money and determination can get these weapons.

Places exist along those routes where shipments could be stopped where we know there would be time enough to breach the canisters and disperse the waste, to say the least.

We must do something to prevent terrorists from attacking these irresistible targets. We have done nothing. We continue to not do anything to prevent this kind of threat.

We need to be prepared to respond with effective and overwhelming capability in a very short time if our prevention tactics fail.

We are not planning for prevention. We are not planning for response. We are sitting around with our heads in the sand hoping that this will not happen. That is just what terrorists count on.

S. 104 spends not one bit of its energy or money on this critical issue because the nuclear power industry does not care that much. They only care about money. That is the only thing they care about.

They would risk the lives and health of tens of millions of citizens living and working within 10 miles of the routes of this transportation system.

The nuclear power industry and the sponsors of S. 104 have not convinced the American people that spent nuclear fuel is safe.

I have said previously on this floor—and I think it speaks volumes—they tried this recently in Germany. They could not do it, Mr. President. We are talking about moving this waste thousands and thousands of miles. They tried in Germany to move it less than 300 miles.

What did it take to move six canisters 300 miles? It took 30,000 police, 170 injuries, 500 arrests, $150 million. Germany has said, ''We're backing off. This is a program that won't work.''

So now, Mr. President, that orderly and conservative region of Germany has become a hotbed of protest and hatred for the government. The transportation program has been stopped. The police have refused to continue with arrests and suppression. The German parliament, as I mentioned, is reconsidering its decision to move the waste. All that for six casks moving just a short distance.

We have talked, Mr. President, about terrorism. I want everyone to understand that this is not something that is just being made up.

In fact, one organization from North Carolina, just last year, decided how hard it would be to commit an act of terrorism with a nuclear waste shipment. They determined it would be as easy as falling off a log.

Referring to a letter to the U.S. Senate about a year ago, the Blue Ridge Environmental Defense League, which is an old organization, in existence for 15 years thereabouts, decided to see if they could find a load of nuclear waste and follow it. They could follow it. It was real easy.

They said:

In the wake of Oklahoma City and Atlanta the dangers posed by domestic or international terrorists armed with explosives make the transport of highly radioactive spent nuclear fuel too dangerous to contemplate for the foreseeable future.

My friend, the manager of this bill, the senior Senator from Alaska, said: ''What are we going to do? Just throw it in the air? If we do, it is going to come down some place.''

That's the whole point of the terrorists. It won't just come down some place; it will come down all over the place—with no control over where it will come down, according to the Blue Ridge Environmental Defense League.

They have said that ''Our work''—and they only looked in three States, North Carolina, Tennessee, and Virginia—''takes us to many rural communities. Emergency management personal in these areas are dedicated volunteers, but they are unprepared for nuclear waste. Volunteer fire departments in rural counties are very good at putting out house fires and brush fires,'' but that is about all.

''The remote river valleys and steep grades of Appalachia are legendary. At Saluda, NC the steepest standard gauge mainline railroad grade in the United States drops 253 feet/mile,'' or a 4.8-percent grade. ''The CSX and Norfolk Southern lines trace the French Broad River Valley and the Nolichucky Gorge west through the Appalachian Mountains along remote stretches of rivers famous among whitewater rafters for their steep drops and their distance from civilization. The Norfolk Southern [Railroad] crosses the French Broad River at Deep Water Bridge where the mountains rise 2,200 feet above the river. These are the transport routes through western North Carolina that will be used for high level nuclear waste'' if this legislation passes.

Mr. President, I ask unanimous consent that their letter be printed in the RECORD.

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

BLUE RIDGE ENVIRONMENTAL DEFENSE LEAGUE,
Marshall, NC, July 29, 1996.

Hon. TOM DASCHLE,
U.S. Senate, Washington, DC.

DEAR SENATOR: The Nuclear Waste Policy Act of 1996 (S 1936) would place in jeopardy the lives of millions of American citizens by transporting 15,638 casks of highly radioactive material over railways and highways of this nation. This attempt at a quick-fix for the nuclear waste dilemma would cause more problems than it attempts to solve. The people who would bear the greatest burden would be the 172 million Americans who live nearest the transportation corridors. S 1936 is a legislative short-circuit that will make us less secure as a nation and which will dump the costs of emergency response on the states and local governments.

The Blue Ridge Environmental Defense League began in 1984: our work takes us throughout the southeast. Since 1994 we have observed the international shipments of spent nuclear fuel (SNF) from foreign research reactors (FRR) to a disposal site at the Savannah River Site (SRS) in South Carolina. Two shipments arrived at the Military Ocean Terminal at Sunny Point (MOTSU) in North Carolina, were loaded

onto rail cars, and then transported overland to SRS. We were able to track both of these shipments from their ports of origin in Denmark, Greece, France, and Sweden across the Atlantic to North Carolina to SRS. We observed the fuel shipments when they arrived at MOTSU. We watched the SNF transfer from ship to train and followed it through the countryside of coastal North and South Carolina. Our reason for doing this was to alert people along the transport route about the shipments through their communities. We rented a light plane and flew out over the SNF ships when they reached the three-mile limit. Television news cameras accompanied us and transmitted pictures for broadcast on the evening news. If we can track such shipments, anyone can. These shipments cannot be kept secret so long as we live in a free society. Our actions were peaceful, but we proved that determined individuals on a shoestring budget can precisely track international and domestic shipments of strategic materials. In the wake of Oklahoma City and Atlanta the dangers posed by domestic or international terrorists armed with explosives make the transport of highly radioactive spent nuclear fuel too dangerous to contemplate for the foreseeable future.

Our work in North Carolina, Tennessee, and Virginia takes us to many rural communities. Emergency management personnel in these areas are dedicated volunteers, but they are unprepared for nuclear waste. Volunteer fire departments in rural counties are very good at putting out house fires and brush fires. While serving as a volunteer fire fighter in Madison County, NC, I had the privilege of working with these men and women. We took special training to handle propane tank emergencies utilizing locally-built water pumper trucks. More sophisticated training or equipment was prohibitively expensive and beyond our financial means. Traffic control is a consideration at an emergency scene. Any fire or accident tends to draw a crowd. Onlookers arrive as soon as the fire department—sometimes sooner in remote areas. There are always traffic jams reducing traffic flow to a one-lane crawl day or night, fair weather or foul. The remote river valleys and steep grades of Appalachia are legendary. At Saluda, NC the steepest standard gauge mainline railroad grade in the United States drops 253 feet/mile (4.8% grade). The CSX and Norfolk Southern lines trace the French Broad River Valley and the Nolichucky Gorge west through the Appalachian Mountains along remote stretches of rivers famous among whitewater rafters for their steep drops and their distance from civilization. The Norfolk Southern RR crosses the French Broad River at Deep Water Bridge where the mountains rise 2,200 feet above the river. These are the transport routes through western North Carolina that will be used for high level nuclear waste transport as soon as 1998 according to S. 1936.

County emergency management personnel are entrusted with early response to hazards to the public in western North Carolina communities. When we asked about their readiness to respond to a nuclear transport accident, they answered professionally saying, ''We'll just go out there and keep people away until state or federal officials arrive.'' This may be the best that can be done while a fire burns or radiation leaks from a damaged cask. In a recent interview, one western NC emergency coordinator said. ''There is no response team anywhere in this part of the state and, for the foreseeable future, there is no money in local budgets to equip us with any first response to radioactive spills.''

The concerns of local officials reflect their on-the-scene responsibility while state officials, faced with limited budgets and staff, make plans based on current bureaucratic realities. The Nuclear Waste Policy Act and Amendments of 1982 and 1987 place large-scale nuclear transportation scenarios decades in the future. This fact and the limited resources of existing emergency planning departments make the timeline for preparation for nuclear accident response completely inadequate for shipments beginning as soon as 1998. In North Carolina's Division of Emergency Management, the lead REP planner has four staffers and a whole state to cover. It is not possible, under these circumstances, to be ready with credible emergency response plans, training, and equipment in two years.

I am asking you to oppose this expensive and dangerous legislation which would place an unfair and unnecessary financial burden on communities and which would place at risk the health and safety of millions of American citizens.

Respectfully,

LOUIS ZELLER.

Mr. REID. I would just say that terrorists' modus operandi is to find areas of weakness so that they can spread terror. This, believe me, Mr. President, would spread terror. And that is an understatement.

As my colleague from Nevada pointed out, S. 104 is not improved with the substitute.

This substitute amendment is no better than S. 104 as originally submitted.

The bottom line of this substitute is that the nuclear power industry and its allies insist that spent nuclear fuel be stored in Nevada no matter what.

They did not address their real concern, they say, and that is transportation. They did not address environmental concerns.

The bill now says that if Yucca Mountain is found unsuitable by the President, then a different interim storage site must be designated within 24 months. If that is not bad public policy, I cannot believe what would be.

If a different interim site is not designated within that period, then Nevada would become the default storage site, even though it has already been determined scientifically to be inadequate for that purpose.

Everybody knows that no alternative site can be designated in 24 months. Everybody knows we spent well over 15 years trying to decide whether Yucca Mountain is suitable. At least that much time would be required before another interim site could be designated.

Yucca Mountain must be designated as interim storage site under S. 104 regardless of the suitability assessment. That is wrong. That makes a mockery of the scientific and objective process of site characterization at Yucca Mountain.

S. 104 makes worthless the more than $2.5 billion spent on developing the Exploratory Studies Facility at Yucca Mountain.

S. 104 makes worthless all the preceding legislation and all the scientific investments for developing a permanent repository in accord with national policy for dealing with spent nuclear fuel and high-level radioactive waste.

Everybody knows that once the waste is moved from its generator sites to a centralized site, it will never be moved again.

And, just as surely, once a centralized site is designated, the nuclear power lobby and its allies will insist that repository resources be diverted to the development and construction of the interim facility and away from development of a permanent site.

So designation of an interim site will terminate the permanent repository.

What does that mean?

That means that waste that was once meant to be stored in emplacement canisters, yet to be proven, in an underground repository, yet to be designed, would be instead stored in transportation containers on a cement pad, exposed to the weather and damage from human activity or natural events.

That means that any difficult issues that arise with regard to the interpretation of data from the Yucca Mountain characterization will not be pursued and will not be resolved.

That means that Yucca Mountain will never be designated as a permanent repository under the law, and so spent nuclear fuel will be stored indefinitely in a temporary configuration. There will be no emplacement casks to provide engineered barriers for waste isolation.

There will be no natural barriers to inhibit migration of waste that escapes the containers.

There will be no possible promise of public health and safety.

These are the reasons, Mr. President, I say that S. 104 is a ploy by the nuclear power industry to terminate the permanent repository program. Because S. 104 will do that, the nuclear power industry is behind S. 104.

A number of years ago, we laid out a logical path that would guarantee a permanent disposal facility for spent nuclear fuel. We in Nevada, Mr. President, fought that. We thought it was unfair to characterize one site. But that has been ongoing. And what the nuclear industry now realizes is that it is taking a little longer than they thought. Therefore, they want to chuck the experience, money, and efforts out and go and pour it on top of the ground, dump nuclear waste on top of the ground.

The architects of that process to develop a permanent repository recognized that interim storage at a candidate site for the permanent repository would hopelessly compromise the quality, the completeness, and the funding of site suitability studies.

These architects also recognized that such a compromise would ultimately negate the whole notion of a permanent repository at that site.

So they prohibited the designation of an interim storage site in any State in which a candidate repository site was being evaluated.

That prohibition extended until the candidate site was deemed suitable for permanent disposition of spent nuclear fuel.

The strategy developed by the architects of the current law would guarantee that a suitable permanent disposal site existed before the waste was moved, thereby preventing what S. 104 would guarantee—permanent storage of nuclear waste in a temporary configuration.

It is this absolute determination by S. 104 to establish an interim storage facility at the Nevada Test Site before determining the suitability of Yucca Mountain that compels us to state that S. 104 is really all about sabotaging this country's avowed policy to permanently dispose of spent nuclear fuel in a geologic repository.

Think about it. S. 104 would move nuclear waste and store it permanently at a site that has been found scientifically to be unsuitable for that purpose.

If Yucca Mountain is found unsuitable, this legislation directs the temporary repository to go there. What could be more outrageous? Such a folly goes beyond being deceptive or stupid. It is just outrageous.

S. 104 would knowingly risk public health and safety by storing nuclear waste at a location that is determined to be an unsafe storage site.

S. 104 would knowingly risk public health and safety by storing nuclear waste on an open concrete pad, exposed to weather and to all manner of damage from human activity or natural events, like earthquakes, rain, lightning.

S. 104 would knowingly risk public health and safety by abandoning the requirement for the engineered barriers of emplacement casks to ensure waste isolation from the environment.

S. 104 would knowingly risk public health and safety by abandoning the requirement for natural barriers of geologic disposal that would prohibit migration of waste that escaped from the emplacement casks.

Supporting S. 104 in its determination to permanently store nuclear waste in a temporary site would be about the worst decision this Senate could make.

Mr. President, this is bad public policy. I repeat, to my colleagues, who should you support, those that take the position saying this legislation is good, supported by the nuclear utilities, or those who take the position supported by churches, scientists, doctors, Indian tribes, and everyone in the environmental community? I think the choice is pretty easy. But sometimes easy choices are not determined about the substance of legislation, but by the politics of legislation. We submit, Mr. President, that good public policy supports a ''no'' vote on this legislation.

Mr. BRYAN addressed the Chair.

The PRESIDING OFFICER (Mr. THOMAS). The Senator from Nevada [Mr. BRYAN] is recognized.

Mr. BRYAN. I thank the Chair and I thank my colleague for his extraordinary review of this piece of legislation, in pointing out its pitfalls. We are concluding a week's debate on this, Mr. President. I want to make just a couple of more points, and then tomorrow we will have a vote and we will either do the right thing, or we will impose upon the American public a terrible public policy consequence.

Mr. President, I have reviewed in an earlier part of my statement the various provisions in this bill, which, in my view, represent the most atrocious policy options that one could conjure up. As my senior colleague mentioned, who would you trust and rely upon to give you advice on an issue that, obviously, is very technical, very complicated? For those of us who do not deal with these kinds of issues every day, this is not something that is intuitive judgment.

I want to return to the starting point for just a moment to talk about this being unnecessary legislation—unnecessary in that the policy and the scientific community disagree with its very premise. Now, when you look at the various groups that are playing a role in this debate, one thing stands out: The only people that are advocating this legislation are the nuclear utilities and their supporters. It is not the environmental community.

My colleague recited that every major organization in America that has an environmental constituency has opposed this legislation, and for good reason. It is not the scientific community. We frequently hear science invoked as the governing beacon that ought to guide us in this policy debate. If that were true, there would not be a single vote for S. 104, because the scientific community is not urging us to enact this legislation. This is legislation that has been generated, fomented by the nuclear utility industry and is part of the history that we have faced in America in dealing with this very complicated, troublesome, and very, very dangerous electrical generation source.

More than 15 years ago, we were confronted with policy debates that sound very much like those on the floor today, in which the utilities said that we are going to be without energy, we will have brownouts, and the utilities will be forced to close because they will run out of reactor space. This was all generating hysteria. It was not true then and it is not true now. But that has been the legacy that we have in this debate, in trying to make our way through the very sound judgments that ought to control our decisionmaking process in reaching the proper conclusion.

So, essentially, you have the policymakers, the scientific community, the President of the United States all saying, look, this is unnecessary. They are allied against the utilities who have made this argument, as I say, for several decades. It has been said that this is a better piece of legislation. I think that is very questionable, Mr. President. When one looks at what is done, we wreak havoc upon the environmental legislation in America. Only by the most tortured and twisted and convoluted logic could S. 104 be considered sound environmental policy.

The preemption provisions, which I have discussed at some length, deprive a State of its ability to enforce environmental laws by the Federal Government. It eliminates waiver provisions that are part and parcel of our environmental legislation that provides judicial review. We talked about what is done to standards. Those have greatly been diminished. We are talking about something, Mr. President, that isn't just temporarily inconvenient or needs to be cleaned up because it would be a nuisance in the community. We are talking about something that is lethal, deadly, for 10,000 years and beyond. That is beyond the period of recorded history. We have never dealt with that kind of a policy issue. I can understand the frustration that some of my colleagues experience, that it may be another 4, 5, 6 years before this determination or that. But when you are talking about 10,000 years, and beyond, 4 or 5 years more to get it right, to do the right thing, to protect the health and safety of the American public seems rather little to ask when you are dealing with something as dangerous as this.

We have talked about the flaw in the viability assessment of the President of the United States. He has to make his assessment based on a standard that is not going to exist. Charitably, it would have to be a guess. How can one make a sound policy judgment based upon a standard that is yet to be developed and is nonexistent? Whatever one thinks about the politics of this administration, one would have to conclude that it is the ultimate irresponsibility to ask any Chief Executive to make a judgment based upon his or her assessment, when the standard upon which the benchmarks are to be measured don't exist.

My colleague talked at great length about the transportation dangers. I understand that we all in this Chamber are candidates who have faced the people in our States respectively. I understand that the utilities in a number of States have leaned very heavily and have been to the offices and advocated and raised all kinds of specters. Let me just suggest for a moment that what is happening in California as we speak, I think, is very instructive. There, as many of you may be aware, nuclear waste is going to be shipped from the Pacific in the Concorde and then transported over the Sierra Nevada from California into Nevada and, ultimately, to be stored in Idaho. If you think that the pressures that the utilities have brought to bear are heavy, when the first series of 17,000 shipments of high-level waste traversing the highways and rail systems of 43 States, in which 51 million people live within 1 mile or less—when that begins to occur, much as my senior colleague has pointed out with graphic detail about what has occurred fairly recently in Germany, that

is going to be a real constituent concern, and rightly so, because an accident can have a devastating impact upon the health of that community.

So this is not just a Nevada issue. This is an issue which will affect many millions of people in this country. We have talked about the lawsuit, how there is this great empathy and understanding about the ratepayers and the consequences for them, how they paid $8 billion over the years into the nuclear waste trust fund. Nothing in this legislation provides 1 cent of relief for the ratepayers. That, to me, is the true indicator of what this is all about. This isn't trying to provide equity for the ratepayers. This is not trying to provide or prevent ratepayers from paying twice for something that they have already paid once for. It has nothing to do with that, or you would see relief in S. 104. There is nothing. Nothing provides any relief for a lawsuit. The lawsuit remedy, as I have indicated, under section 9 of the contract, provides for an equitable adjustment of payments made into the nuclear waste fund. I think that is fine. But nothing in this legislation deals with the ratepayers, because nothing is contained that provides any kind of equitable relief for the ratepayers.

Finally, let me talk about one other section of this legislation, which I think, again, would indicate how corrupting it is in terms of doing great violence to the environmental laws of America, laws that have, by and large, survived the test of time for nearly three decades and have enjoyed bipartisan support. It was during the Nixon administration that most of these pieces of legislation first saw the light of day.

I want to talk about the National Environmental Policy Act, as it is referred to as NEPA. We are told in one instance that NEPA must be followed. It sounds good, doesn't it? But then we are told that the following activities will be deemed preliminary activities. That just might seem like words—''preliminary.'' That is a very precise term because preliminary activities are not subject to judicial review. And in most instances, the courts themselves make a judgment as to whether something is deemed preliminary or final for the purposes of review. But just as a further indication of how this stacks the deck against anything that provides environmental protection, you have a whole series of actions at page 90 under this act—transportation requirements; viability assessment, and that is section 204; 205(a) is generic design, submitted for interim storage; 205 is site-specific design standards; 205 is license application for interim storage; 206 is repository characterizations. Each of those sections are deemed to be preliminary, so as to preclude the opportunity for independent judgment as to whether or not they do, in fact, comply with the law and make good sense. So, in effect, what we do in those sections, if 104 passes, we gut NEPA, eviscerate it. We proclaim our great devotion to it in the first section, but then say that it shall not include the following.

Let me further go on to indicate that the essence of NEPA is to consider the various options or choices that are available. That is the underlying premise, the theory being that if you look at all of the options on the table, we will rule out, through some rational, thoughtful process, those that are the least compelling from a policy point of view and reach a conclusion as to the best of the options available. But we are told here, with respect to the environmental impact statement, that is part of the NEPA requirement, that this commission shall not be required to consider the need for an interim storage facility, the time of initial availability of a repository or interim storage facility, the alternatives to geological disposal or centralized interim storage or alternatives to the interim storage facility site. So to profess that we do give any kind of meaningful adherence to the National Environmental Policy Act—NEPA—is itself a travesty.

Finally, let me say that when the vote comes tomorrow, I hope that my colleagues, putting aside all of the technical arguments for a moment, might consider policy. What is the right policy for America? What protects public health and safety? What is the most thoughtful way to proceed? Mr. President, the most thoughtful way to proceed is to reject S. 104. It has been asserted that we have no policy with respect to the disposal of nuclear waste. That is simply not true. The policy that we have was essentially designed in 1982 with the enactment of the Nuclear Waste Policy Act, and that policy first is to site permanent repository. I am not ecstatic about, I do not like it, and I wish it were not the case that Yucca Mountain in my own State was chosen. But that is a policy that came down as a result of the things that were done and I believe were highly politicized in terms of the way it was done. But nevertheless that is where we are. Yucca Mountain is being characterized as an interim storage. This legislation would change the existing law, which says that we ought to seek first if a permanent repository can pass muster, is it suitable, before making a determination as to interim storage. This legislation reverses that process and says, in effect, that we will make decisions with respect to interim storage irrespective of what happens with respect to the permanent repository. That makes no sense at all.

Finally, I think, just as an admonition, that this has been a very difficult time for Nevada. I believe that it is without precedent in the years that I have been a Member of this body that a State has been so imposed upon, so unconsidered, so rejected of a rational policy argument to acquiesce to the requests of a special interest group—the nuclear utilities in America.

But let me say that if we pass S. 104, what a dreadful precedent that may be. No other State can be heard to say thereafter, ''Gee, this is terrible policy for us as it affects my State.'' In effect, we establish a precedent in which a State's rights are imposed upon in which the State's ability to protect its own citizens' health and safety by way of Federal environmental standards being limited, and in which those very basic provisions of the ability to review and get judicial determination before something as horrendous as this is imposed upon a State, are for all intents and purposes emasculated. That is the dreadful policy, and we will rue the day that occurs.

So I urge my colleagues to reject S. 104. Let's stay the course. It may not be perfect in every respect, but at least we are moving on a basis of permanent repository in a rational context without getting involved in the emotionalism that has been present with respect to this frantic effort to have interim storage placed at the Nevada test site, a site, as we pointed out, which has not been recommended as a site to be preferred. Never, to the best of my knowledge, has it ever been studied for interim storage, and it was kind of picked out of the air. ''You have Yucca Mountain over there, and Yucca Mountain may take it. So let's put it here.'' That is not a very rational basis to make a policy judgment.

I yield the floor.

Mr. GRAMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. GRAMS. Mr. President, I rise today to urge my colleagues to support S. 104, the Nuclear Waste Policy Act of 1997. This much needed legislation will help protect the American taxpayers and ratepayers and resolve our Nation's growing nuclear waste storage problem.

As many of my colleagues know, the Department of Energy will not live up to its 15-year promise to collect commercial nuclear waste into a centralized repository. Unfortunately, with over $6 billion of ratepayer's money already spent by the Federal Government, a permanent repository will still not be completed until well into the next century.

The map behind me illustrates the result of this failed policy: The creation of over 80 nuclear waste storage sites across our Nation. From coast to coast and from one international border to another, over 41 States have been affected by the lack of action. As my colleagues can see, this is not a regional problem; it's a national problem demanding a Federal solution.

Mr. President, the Federal Government should no longer be allowed to forget its commitment to the American public. Last year, the Federal court of appeals agreed that this was a Federal problem when it ruled that the Department of Energy will be liable for damages if it does not accept commercial nuclear waste by January 31, 1998.

Under current law, no one at the DOE will be held personally liable for any

assessed damages; the bill will go to the American taxpayers at an estimated cost between $40 and $80 billion. Such a tremendous liability burden on taxpayers would make the public bailout of the savings and loan collapse seem small in comparison.

Many others agree that a Federal solution is needed immediately. Frustrated with the DOE's inability to resolve our nuclear storage problem, the National Association of Regulatory Utility Commissioners, 48 State agencies, and 38 utilities have joined forces to ask the Federal courts to suspend ratepayer's payments into the nuclear waste fund, which finances the Federal Government's commercial nuclear waste program.

They are concerned that their constituents and customers are being asked to pay too many times for a failed policy.

Take, for instance, the situation facing ratepayers in my home State of Minnesota. Since 1982, Minnesota's nuclear energy consumers have paid over $250 million into the nuclear waste fund believing that the Federal Government would fulfill its obligation to transport nuclear waste out of Minnesota.

But as time went on and the DOE continued to ignore its responsibilities, utilities in Minnesota and around the country were forced to temporarily store their waste within the confines of their own facilities.

When it became clear to many utilities that storage space was running out and the Department of Energy would not accept waste by the established deadline, utilities then had to go to their States to ask for additional onsite storage or else be forced to shut down their operations.

For example, ratepayers in Minnesota, North Dakota, South Dakota, and Wisconsin were forced to pay for onsite storage in cooling pools at Prairie Island in southeastern Minnesota. In 1994, with storage space running out, the Minnesota Legislature—after a bruising battle—voted to allow for limited onsite dry cask storage until the year 2004.

Mr. President, the cost associated with this onsite storage is staggering. Ratepayers in the midwestern service area alone have paid over $25 million in storage costs and will pay an estimated $100 million more by the year 2015, in addition to the required payments to the Federal Government.

To make matters worse, storage space will run out at Prairie Island just after the turn of the century, forcing the plant to close unless the State legislature once again makes up for the DOE's inaction. This will threaten over 30 percent of Minnesota's overall energy resources and will likely lead to even higher costs for Minnesota's ratepayers.

In fact, the Minnesota Department of Public Service estimates that the increase in costs could reach as high as 17 percent, forcing ratepayers to eventually pay three times: once to the nuclear waste fund, again for onsite storage, and yet again for increased energy costs.

And Minnesota is not alone in facing this unacceptable situation; 36 other States across the Nation are facing similar circumstances of either shutting down and losing their energy-generating capacity or continuing to bail out the Federal Government for its failure to act.

So, Mr. President, when some of my colleagues speak about how well the status quo is working, I would simply point them to my home State of Minnesota where the status quo has failed dismally—to the detriment of the ratepayers and soon to the taxpayers.

Mr. President, I ask unanimous consent to submit for the RECORD recent letters from Minnesota Governor Arne Carlson and Minnesota Department of Public Service Commissioner Kris Sanda on the need to pass legislation correcting our Nation's nuclear waste program.

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

MINNESOTA DEPARTMENT
OF PUBLIC SERVICE,
St. Paul, MN, April 14, 1997.

Hon. ROD GRAMS,
Dirksen Building, Washington, DC.

DEAR SENATOR GRAMS: Your leadership on the need to address high-level nuclear waste at the nation's nuclear power plants is greatly appreciated. I will continue to do everything in my power to ensure a successful outcome to the vote tomorrow morning and assist you in your efforts on behalf of all Americans who face the costly burden of continuing to delay reform of the U.S. civilian nuclear waste program.

Attached is a letter from Governor Carlson sent this morning to individual Senators urging their vote for S. 104, the Nuclear Waste Policy Act of 1997. I hope it helps them to understand the urgency for action.

Once again, thank you for your powerful advocacy on this issue.

Sincerely,

KRIS SANDA,
Commissioner.

STATE OF MINNESOTA,
St. Paul, MN, April 14, 1997.

Hon. WAYNE ALLARD,
U.S. Senate, Hart Office Building, Washington, DC.

DEAR SENATOR ALLARD: I am writing to strongly urge your support for S. 104, the Nuclear Waste Policy Act of 1997. This Act addresses the glaring deficiencies and failures of this country's civilian nuclear waste program and is of the utmost importance to all American electric consumers and taxpayers.

In brief summary, S. 104:

ensures adequate funding for the permanent disposal program.

eliminates the need for individual high-level waste storage sites at 73 nuclear power plants in 34 states.

provides centralized waste storage for which DOE is legally responsible under contracts signed with individual utilities.

ensures the scientific integrity of the disposal program. It authorizes the President to locate the centralized storage site away from Yucca Mountain if, at the President's discretion, it is found to be an unsuitable site.

subjects waste transportation to Federal hazardous materials regulations and NRC oversight.

ensures National Environmental Policy Act (NEPA) reviews are prepared for licensing. Only those issues already addressed by Congress (i.e., facility need and program alternatives) are not revisited under NEPA.

averts tens of billions of dollars of U.S. Judgments Fund payments as well as related budget and appropriations problems that will result from program failure.

American consumers have paid $13 billion to meet their obligation for funding waste disposal under contracts with the federal government. Over half that money has been spent for something else. Now is the time to end this consumer fraud.

Please support S. 104.

Warmest regards,

GOVERNOR ARNE H. CARLSON.

Mr. GRAMS. Mr. President, if there's one part of the status quo that is working within our Nation's overall nuclear waste disposal program, it is the way in which the Federal Government is actively meeting the needs of foreign countries. It is not working for domestic spent fuel, but our program seems to be working very well in meeting the needs of spent nuclear fuel from foreign countries.

As this map shows, the DOE has resumed collecting spent nuclear fuel from a total of 41 countries under the Atoms for Peace Program.

Similar to the large number of our States which are facing nuclear waste storage problems, countries from around the world are experiencing the same problems. The only difference is that their needs—not our own ratepayers' needs—are being met by our Federal Government.

In fact, the DOE has completed urgent relief shipments of 252 spent nuclear fuel assemblies from European nations to the agency's facility at Savannah River. It has also accepted nuclear spent fuel from Latin American countries. Ultimately, as I learned during a recent trip to the Savannah River site, up to 890 foreign research reactor cores will be accepted by the DOE over a 13-year period.

So they can take it from foreign countries and handle it safely, but somehow they cannot handle domestic spent nuclear fuels.

Mr. President, an important point to discuss when it comes to these foreign nuclear waste shipments is how they are transported once they reach the continental United States. Nuclear assemblies from these 41 countries have been and will continue to be transported by rail and truck to the Savannah River facility. These photographs illustrate just one of the means by which shipments of foreign-generated fuel are being transported to the DOE's facility. Here, my colleagues can clearly see how foreign nuclear waste is being loaded on to railcars at Charleston Harbor and then shipped to the Savannah River facility. The safety record of these shipments speaks for itself.

The Federal Government is also actively accepting nuclear waste from many of our universities nationwide. As this map indicates, nuclear waste from research reactors at our finest

educational institutions is being accepted at the DOE's Savannah River facility. Again, this nuclear waste is being safely transported by rail and truck across the Nation. Chairman MURKOWSKI also spoke extensively on this safety record earlier today.

There has not been one accident nor any release of nuclear fuel. These shipments serve as a very small portion of the 2,400 shipments of high-level nuclear waste that has already been shipped across the United States, including naval spent fuel. So, Mr. President, as the distinguished chairman of the Senate Energy and Natural Resources Committee has indicated, transportation is no longer a question of technology but becomes one of politics.

I understand the rationale behind reducing our international nuclear dangers by collecting and transporting spent fuel within our borders. But what I and many others cannot comprehend is how our Government has made it a priority to help foreign countries with their nuclear waste problems while simultaneously ignoring the concerns right here in our own country.

Under this scheme, our Nation will have a disjointed nuclear waste storage policy: one that works for our universities and foreign nations and another that has failed and will soon be partially administered by the actions of the Federal Court of Appeals. It seems clear to me that while States, utilities, and ratepayers have kept their end of the bargain, the DOE has not. That sends the wrong message to the American people about trusting the promises of the Federal Government.

The Federal Government is living up to its promises in the Atoms for Peace Program. It is accepting spent nuclear fuel from 41 countries. They have lived up to that policy, that agreement, and that contract, but somehow they can't live up to contracts with the American ratepayers.

Despite widespread support for action to create an interim storage site—including support from former DOE Secretary Hazel O'Leary and Dan Dreyfus, the former administrator of the civilian nuclear waste program under the Clinton administration—the DOE has failed to offer a substantive alternative to our legislation. Although the Department's new Secretary, Federico Peña, now admits that a Federal solution is needed to resolve our interim storage problems, he recently indicated in a meeting with nuclear utility executives that the DOE is still unwilling to move commercial spent fuel. Instead, the DOE offered a proposal to compensate utilities for on-site storage.

In other words, they will not accept it. But the DOE says it is willing and offered a proposal to compensate utilities for on-site storage.

Unfortunately, this proposed compensation scheme does little but needlessly spend the taxpayers' money while continuing the failed status quo. In other words, it just wants to collect more money from the taxpayers and then pay it out as compensation. So you are going to take it from one pocket and put it into another. It is still the taxpayers who are going to be left holding the bag, not the Department of Energy, not their budget, not the Secretary of Energy Mr. Peña, but the taxpayers. In other words, they don't want to solve the problem. They just want taxpayers to continue to pay for their mistakes. It signals to the ratepayers that the Federal Government has no intention of moving commercial nuclear waste in the near future, despite a Federal court mandate.

Moreover, continuing the policy of noncentralized storage facilities may lead to the premature shutdown of one nuclear plant in Minnesota—compromising 30 percent of the State's energy needs and significantly increasing ratepayer costs.

Again, this is not only typical to Minnesota. Many other States face the same problem. Many utilities are facing the same problem. Ratepayers could be paying the same increase in power because, again, of the lack of action by the DOE.

In recent communications to the Senate, DOE Secretary Peña and the President's Office of Management and Budget yet again indicated the Clinton administration's opposition to our legislation to move nuclear waste from the over 80 sites around the Nation.

Speaking of the need for a long-term, permanent repository, the letters failed to address any specific alternatives to our legislation or how the Federal Government will address future taxpayer liability in light of the DOE's failure to live up to its 1998 contractual deadline. They offer no alternative except to sit back and say, yes, they will adhere to any court-ordered compensation because it is no money out of their pocket. They can just delay or defer any kind of an agreement or answer and will not live up to their contractual deadline.

In the last week of debate on this legislation, we have negotiated with Senator BINGAMAN and others who want to resolve our interim nuclear waste storage needs. Some important and constructive changes to our bill have resulted from that. Although I oppose one change that moves the construction of the interim storage facility back 1 or 2 years, a number of reforms have been made to address the concerns of the administration. Among them are helpful provisions strengthening radiation protection standards, preemption of State and Federal laws, environmental concerns, and funding for the civilian nuclear waste program.

These important changes should help persuade some of my colleagues to support this commonsense environmental protection bill, and it should also help pave the way for the President to sign this legislation based on sound policy and not to veto it due to political concerns. Again, this is not oversight. It is not over technology. It is not over the safety record of transportation of spent fuel. It is basic, raw politics. And above all, Congress has an obligation to protect the American public from the estimated $40 to $80 billion they face in liability expenses. Our bill will reform our current civilian nuclear waste program to help avoid the squandering of billions of dollars of ratepayers' and taxpayers' money—not that the Federal Government hasn't wasted enough recently, but with tax day tomorrow, this should also come as more important to taxpayers to say they don't want billions more dollars squandered.

It will eliminate the current need for onsite storage at our Nation's nuclear plants, keep plants from shutting down prematurely due to the lack of storage space, and maintain stable energy prices.

Mr. President, for too long our States, our ratepayers and taxpayers have been threatened by a policy of inaction. As reported out of the Energy and Natural Resources Committee and amended in the Chamber, this legislation sets up a time line for the DOE to finally live up to its promises again while helping to protect our environment. As a result, this bill has broad bipartisan support across the Nation. It deserves to be passed overwhelmingly on behalf of the American public. In closing, I urge my colleagues to cast politics aside and to take a giant step forward by voting for this very much-needed legislation.

I thank the Chair. I yield the floor.

Mr. REID addressed the Chair.

The PRESIDING OFFICER (Mr. ENZI). The Senator from Nevada.

Mr. REID. I say to my friend from Minnesota, as we have laid across the RECORD here in these proceedings this past week, this legislation is bad legislation. If they, the proponents of this legislation, were truly concerned about the ratepayers and the fact that there is a court decision that says that the Federal Government is responsible under the contractual provisions that they entered into with the utilities, it would seem there should be something in the legislation agreeing to compensate utilities. Nothing. That shows how disingenuous the proponents of this legislation are. They talk about problems, but the legislation does not meet that.

Some have complained, Mr. President, as has my friend from Minnesota, about the rate of progress toward determining Yucca Mountain's suitability for permanent disposition of this waste material. Others have complained about the returns from the investments in the Yucca Mountain characterization. Those who complain about the Yucca Mountain schedule should remember that the Congress has consistently underfunded the project budget. Requested levels for funding have never been met. In fact, allocations have been less than 75 percent of requested levels.

Perhaps more importantly, this job of developing a permanent repository

of nuclear waste is far more difficult than critics are willing to admit. It is far more difficult than even the technical community thought it would be when they started. That difficulty should not be a mystery. We are undertaking a mission that has never been done before. We are starting down a path to completely isolate from the environment the most dangerous material in human history for a period longer than recorded human history.

We have no experience with such an assignment, so a lot of options must be explored to provide a foundation for the assumptions we must make to evaluate effectiveness of final design. Utilities have pushed these time lines. The reality of a permanent repository demands a research program in which many unforeseen obstacles must be understood and resolved.

These things take time and money. The Congress has seen fit to deny the money, so more time has been required than was initially estimated.

Complaints about returns on the investment in Yucca Mountain have no basis in fact either. Those who benefit from nuclear power have been paying into the nuclear waste repository at the rate of 1 mill per kilowatt hour. Those collections today amount to nearly $12 billion, much of which has yet to be spent.

So there is a lot of talk about abuse of this fund by inappropriate application of its resources. It is true that more has been collected from the ratepayers than has been appropriated for waste disposal to date, but the final bill for a permanent repository is estimated to be between $34 billion and $50 billion. That is more than the current plan proposes to collect, so it is likely the ratepayers will come out ahead.

That means the general public will contribute to the waste repository so that ratepayers will get a break before all is said and done.

I agree that the waste fund should not be applied to inappropriate activities, and I do not think it has. I agree that we should be vigilant to see that all the ratepayers' contributions are used for the permanent disposition of spent nuclear fuel. But I also believe that the general taxpayers should not have to pick up the tab for a repository except for that fraction dedicated to disposition of defense nuclear waste from whose generation we all benefited through assurance of our national security.

S. 104 provides no improving legislation with regard to funding the repository, and none is needed now. The returns on Yucca Mountain investments will be realized when the characterization is complete and not before. Site characterization must be completed before we see clearly the path of future actions.

In short, my friend from Minnesota has not addressed the problems that we face. Those problems are the environmental laws are not being met. The transportation problems are certainly not being met. And the fact is that there are many, many problems still in existence.

The parties to the current litigation regarding DOE's contracts with waste holders are using on-site storage costs to justify their threats to seek damages from the Government. We have gone into this on many occasions.

Sponsors of S. 104 stood and argued on this floor that only passage of this bill will relieve every American of this huge obligation. The actual incremental costs of on-site storage at the generator sites is minimal. That cost is negligible when compared to the costs of transportation and the costs that the permanent or temporary repository would cost.

I believe that we should understand that we are here as a result of the nuclear power industry, and that reason only. There are certainly, Mr. President, many reasons why the statement of the Senator from Minnesota was without fact. Those are spread across this record. We have answered such statements on many occasions these past 7 days.

HANFORD NUCLEAR RESERVATION

Mr. GORTON. Mr. President, I would like a clarification of the scope and intent of the committee's third amendment to S. 104. That amendment, which is incorporated into section 204(b)(1)(D) of the act, states that the President shall not designate the Hanford Nuclear Reservation in the State of Washington as the site for construction of an interim storage facility.

Am I correct in my belief that this amendment defines interim storage facility in a way that would not preclude steps that the Washington Public Power Supply System might need to take with regard to the storage of the spent nuclear fuel generated at the WNP–2 facility?

Mr. MURKOWSKI. The Senator is correct. The intent of the committee in adopting the third committee amendment was to prevent the President from designating the Hanford Nuclear Reservation as the site of the nationwide interim storage facility for all civilian and spent nuclear fuel and high-level radioactive waste from U.S. commercial reactors. This amendment is not intended to preclude steps that an individual utility, such as the supply system, might need to take to manage the storage of its own spent nuclear fuel.

Mr. NICKLES. Mr. President, I ask unanimous consent to proceed as if in morning business.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

(The remarks of Mr. NICKLES pertaining to the introduction of S. 570 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. THOMAS addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the senior Senator from Wyoming.

Mr. THOMAS. Mr. President, I ask unanimous consent to proceed as in morning business.

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

BISON IN YELLOWSTONE PARK

Mr. THOMAS. Mr. President, I rise to talk about a difficulty that we have had this winter in Wyoming and Montana in the Yellowstone Park area with respect to buffalo. Many of you, of course, have read about the problem as a result of an extremely difficult winter, freezing rain and snow, lack of feed, and I think also an excessive number of buffalo. As chairman of the Senate Energy Committee Subcommittee on National Parks, I come to the floor today to announce that we plan to hold hearings on the prospective plan for bison in Yellowstone Park next year. It is not our purpose to particularly pick apart what happened last year, but what we want to do is avoid the same thing happening in the year that is to come.

Many of you have probably read in this weekend's New York Times some details about the conflicting and contentious perspectives regarding bison and the issue of brucellosis. The hearing I plan to have will be to spur the Interior Department to set a plan for the upcoming year. If we do not, then we might very well end up with another year of the same kinds of difficulties.

Many buffalo in Yellowstone Park are afflicted with brucellosis, which is a major threat to the surrounding livestock States that border on Yellowstone Park, particularly, in this case, Montana. Unfortunately, the only solution that has been developed so far for the Park Service in the State of Montana is to shoot the buffalo as they come out of Yellowstone. Clearly, that solution is not acceptable. We have to find one that is a long-term solution to the problem.

Management of the bison herd in Yellowstone is not a brand new idea. Clearly, there has to be some kind of management to a herd of this kind. There has been a great deal of interest in having a natural, free-roaming herd, which would be a nice thing. Up until about 1967, however, it was managed very closely. Then the decision was made to let the herd simply act as it would in a natural situation and be controlled by the lack of feed and predators and all those kinds of things. Unfortunately, that is not very workable in a park that is visited by 3 million people a year, in a park where other kinds of controls are not in place. So the result is the herd had grown from somewhere in the neighborhood of 1,500 bison to nearly 4,000. There are over 3,500. As long as the weather circumstances and the grazing circumstances were excellent, they were able to get by, even though most observers did note that the grazing there was damaged considerably by that number of bison.

So the Park Service has made some efforts to address the matter. But the fact is that there has not been any real leadership for doing something over a period of time. Instead of facing the problem, the Park Service focused on the theory of natural regulation. As you can see by the events of last year, that natural regulation did not resolve the matter. Natural regulation does not work well when one Federal agency holds the threat over ranchers in the State that they will be stripped of their brucellosis-free status if bison cross into their State. At the same time, another Federal agency encourages wildlife to migrate from the park by not developing a proper management plan. This is precisely, of course, what happened.

It is more a problem in Montana than it is in Wyoming. You at least have a buffer in Wyoming, on both the south and east sides of the park, of a forest wilderness area; whereas, in fact, private property grazing takes place immediately outside of the park on the Montana side.

So, in order to avoid repeating that unfortunate situation, where a good number of bison starved to death in the park and another number was shot as they went out of the park to avoid the problem of brucellosis, we think we need to find a more innovative solution. The time for finger pointing is over. It has been sort of a tough deal out there, with everybody being involved.

What we need is some strong leadership to face the issue. Unfortunately, the President has still not appointed a new Director of the Park Service. It is a little difficult to deal with the Park Service and Interior Department in terms of policy, in terms of the future, when there really is not a permanent Director there. So we clearly need, and it is very vital that we have, focused and solid leadership in the National Park Service. In fact, I have sent a letter today to the President urging he do that.

Along with Chairman MURKOWSKI, I and others on the Senate Energy Committee are willing to work with the administration to develop positive and constructive solutions. As a matter of fact, we have held a couple of general hearings on the park. Our purpose in the next several months will be to take a look at the park to find a way, a very positive way, to strengthen the National Park System. We have about 375 parks. I think they are among the most important elements of our culture and our history, and our effort ought to be increased to maintain those natural resources as well as providing an opportunity for visitors to enjoy them.

So, we are ready to address the tough issues and launch a proparks agenda for this next year to try to make some moves to ensure that this buffalo incident does not occur next year and that we find a solution that protects not only the buffalo, protects not only the resource, but also protects the surrounding States and their very important livestock industries and allows them to remain in a brucellosis-free certification area. So we will be moving forward on that, Mr. President. I appreciate the opportunity, and I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CRAIG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

NUCLEAR WASTE POLICY ACT AMENDMENTS

The Senate continued with the consideration of the bill.

Mr. CRAIG. Mr. President, the Senate has before it at this moment, and has for some days, through tomorrow, the consideration of Senate bill 104, the Nuclear Waste Policy Act of 1997.

Senator FRANK MURKOWSKI, chairman of the Energy and Natural Resources Committee, and myself, along with a good number of others of our colleagues, have recognized the need for this Government and this Congress to clarify its position on high-level nuclear waste and spent fuel in compliance with the Nuclear Waste Policy Act of 1982, as amended in 1987.

As a result of that recognition, that is exactly what we are doing. We are certainly encouraging at this moment a resounding passage of this bill tomorrow.

Mr. President, last week my colleague from Alaska, the chairman of the committee, introduced the substitute. I am discouraged that in spite of all the work we have done, the administration has not withdrawn its veto threat of this legislation.

We have listened to the other side. We have incorporated amendments from the other side. We have now picked up substantially more Members from the other side who are supporting this bill.

I have recently reviewed, once again, the basis for the veto threat and I find no remaining legitimate reason for this administration to be in opposition.

Let me address just a couple of specifics for just a few moments.

The statement of administration policy states that S. 104 would effectively establish Nevada as the site of an interim nuclear storage facility before a viability assessment of Yucca Mountain is completed. Not true. Mr. President, let me repeat, that is an untrue statement.

S. 104 designates the Nevada site as the location for the interim storage facility after—after—the DOE completes the viability assessment in 1998.

The statement of administration policy states that S. 104 would create loopholes in the National Environmental Policy Act. The truth is that the substitute has lengthened the duration of both licensing and public participation opportunities. Again, what the President said and what is in fact in the legislation simply do not relate.

The statement of administration policy states that S. 104 replaces the Environmental Protection Agency's authority to set acceptable radiation release standards with a statutory standard. Again, we have fully addressed this concern. Our substitute reverses the approach on setting an environmental standard for the deep geologic repository. S. 104, as introduced, set a standard of 100 millirem. Last week, I addressed this body and set this 100 millirem in the proper context of everyday risk from everyday living. I noted for my colleagues that we receive an annual radiation dosage of 80 millirem simply by spending most of our time inside the U.S. Senate. Why? It is a product of the radiation that comes from the granite structure around the Senate body itself. In other words, the normal decay of stone that is part of the structure of this Capitol.

We have listened, however, to the concerns of our opponents and the administration, that this legislation should contain a risk-based standard. We have heard discussions. We have listened to those suggestions and adopted the recommendations of the National Academy of Science.

In our openness to enhance the broad bipartisan support already enjoyed by this legislation, we have listened to all of those suggestions. Therefore, our substitute now requires that the Environmental Protection Agency determine a risk-based radiation standard for the repository.

In other words, we tried to utilize all national and international standards that are acceptable to the public, based on science, but were forced to say, OK, you won't believe the truth, then we will allow the Environmental Protection Agency latitude in developing those standards. Our substitute directs that the Environmental Protection Agency set this radiation standard in accordance with the National Academy of Science's recommendations.

Mr. President, I commend my colleague, the chairman of the Energy and Natural Resources Committee, the Senator from Alaska, for conducting a process for developing this legislation and this substitute, in what I believe to be an unprecedented character of openness and willingness to hear and respond to the concerns of our opponents. There is simply, Mr. President, no legitimate remaining basis for the administration's opposition to this legislation. I urge the President of the United States not to fight this Congress. This Congress will soon express its will on the issue and, most likely, the outcome will be the same broad, bipartisan consensus that we developed in the last Congress.

Mr. President, I said a few days ago on this floor that this legislation was

good science and good engineering and good technology, and that there would be one simple reason to oppose it, and that would be political. I stand here today with the amendments the chairman has accepted and the character of this legislation when it comes to final passage. I now can say in fact that there are no impediments for this administration to accept this legislation, except for politics, and politics alone.

I am amazed that the President of the United States can say that, because of his politics, he is willing to ask the American people to pay an additional $80 billion—or potentially that amount—in a negative environmental situation, when we are standing here today with a very positive environmental move that would cost less than about $3 billion to develop an interim storage facility. This facility would allow the Congress of the United States and the administration to say to the American people that we will abide by the law, we will adhere to the courts and the laws that have already been passed by past Congresses to develop a deep geologic repository, and we will do so in a timely fashion. That is the issue before the Congress when it considers S. 104.

I hope my colleagues will join with us in a resounding bipartisan vote as we deal with this critical national major environmental issue. We have worked to resolve it in a balanced approach that all can agree with. I think the efforts of Senator MURKOWSKI will be demonstrated in a vote that we see cast on this legislation tomorrow.

With that, Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LOTT. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. LOTT. Madam President, in 1982, Congress passed the Nuclear Waste Policy Act and tasked the Federal Government with the handling of spent nuclear waste from commercial powerplants and military usages. Despite the clear congressional intent of the act, the Department of Energy has avoided and delayed positive action regarding temporary and permanent storage of nuclear waste.

The 1982 act called for a permanent waste repository to be built by 1998. But DOE now says the earliest a repository will be ready is 2010. Given 15 years of relative inaction, this delay and avoidance history does not engender faith that the current administration will address this issue in a timely manner absent congressional action. Regrettably, the country that harnessed energy of the atom can't seem to accomplish the basic task of storing and disposing of waste.

The Federal Government promised nuclear energy consumers that it would develop a plan to dispose of the waste. Congress obligated the Federal Government to begin the waste collection program in 1998. A Federal court of appeals ruled in 1996 that this is a binding legal obligation.

The Federal Government, therefore, has a binding, legal obligation to pick up the nuclear waste scattered throughout the Nation's coastal communities, farm lands and industrial centers. It must remove used nuclear fuel from 34 States that now store used fuel at nuclear powerplants that were never intended to hold the waste until the end of time.

Due to the foresight of 15 Senators who reported the Nuclear Waste Policy Act of 1997 out of the Energy and Natural Resources Committee and in particularly its architects, Senators FRANK MURKOWSKI and LARRY CRAIG, we are here today to put this program back on the road to recovering used fuel from commercial powerplants and DOE facilities that store high-level radioactive waste from defense-related projects. In 30 years of operation, that waste has amounted to a relatively small sum, given that nuclear electricity powers 65 million homes at any given time in the United States. All of the used fuel produced from nuclear electricity during its history, if stacked end to end, would span a football field to a depth of almost 4 yards.

While a permanent repository is the ultimate requirement, no one can legitimately deny that an interim storage facility is an absolute necessity.

Let's talk for a minute about the cost to the public. America's electricity consumers have relied upon the availability of nuclear energy. But such consumption did not occur in a vacuum and without cost. These energy users have already committed nearly $13 billion to pay for the Federal waste disposal program—a staggering figure considering there's nothing to show for such costs to date except for a few feasibility studies. The bill continues to climb, even as the Department of Energy says it will be unable to start taking used fuel by the 1998 deadline.

Some States are so frustrated by the Federal Government's failure on this program that they are considering withholding their share of the more than $600 million a year that flows from electricity customers to the U.S. Treasury. How can we blame them?

The Nuclear Waste Policy Act of 1997, would put an end to bureaucratic delays and spiraling program costs by integrating three components:

First, a Federal storage facility for centralized management of used fuel until a permanent disposal facility is ready;

Second, a continued scientific study on a permanent disposal site at Yucca Mountain, NV; and,

Third, a transportation network to move used fuel safely from nuclear powerplants, research reactors and DOE sites to storage and disposal facilities.

It has been argued by some that we cannot safely transport spent or used nuclear fuel waste from nuclear powerplants to a central storage facility. Certainly the naysayers recognize that we do not intend to throw used nuclear fuel on a truckbed or in a boxcar.

The Nuclear Regulatory Commission has rigid standards about the types of containers it permits nuclear waste to be transported in. All such containers must receive their stamp of approval. Before such approval, containers must undergo an onslaught of tests without breaking open and allowing radiation to escape. They must successively withstand a 30-foot drop onto a flat, unyielding surface; a drop of 40 inches onto a steel spike; and a fully engulfing fire burning at 1,475 degrees Fahrenheit.

For proof of the canisters' performance, look at the safety record of the 2,400-plus shipments of used nuclear fuel that have taken place in the United States during the past three decades. Not one used fuel container has ever ruptured during those trips. Radioactive fuel has never been released, harmed the environment, or caused any injury or public safety threat.

By shipping to a single storage spot, we are reducing the level of risk. A remote, desert location would provide an added margin of safety. Logically, used fuel can be managed more efficiently and effectively at an individual site than it can at multiple sites.

S. 104 goes further to alleviate safety concerns by ensuring that Federal funds and resources are channeled to State and tribal officials for public safety training to handle and manage used fuel long before the first shipment enters their area.

Many of my colleagues know what it's like to have nuclear waste sitting in their backyards. Pennsylvania, for instance, currently stores 2,920 metric tons of uranium at nine nuclear powerplant sites next door to dairy farms and the fourth largest apple producing region in the country. Failure to adopt S. 104 would be irresponsible in the face of current storage arrangements and limitations. By passing S. 104, my colleagues can prove our resolve to end the Nation's nuclear waste dilemma.

Nuclear waste disposal must not become mired in petty politics. There is no better time to act on nuclear waste disposal than now. It's the only prudent and economic course. The greater delay, the greater the costs to taxpayers and electricity consumers. A new user fee mechanism proposed in S. 104 would continue funding nuclear waste disposal on a self-financing basis and adapt the nuclear waste fund to recent changes in the Federal budget process.

Funds originally intended to cover the cost of the nuclear waste disposal program have been diverted elsewhere to offset deficit spending. Detouring waste fund payments may help counteract the deficit, but it does little to further the Federal Government's obligation to managed used nuclear fuel. In

reality, even though consumers have committed more than $13 billion to the nuclear waste fund, the Energy Department has spent only about $6 billion. That's about 30 cents on the dollar being spent on the waste program. In America, we live under the premise that you ought to get what you pay for. Our constituents aren't getting what they paid for.

Inaction on the part of Congress in ordering the Energy Department to act could force other complications, including whether State utility regulators will permit additional on-site storage. In Minnesota, the State legislature was forced to settle the issue and established new, high-priced requirements for the utility to meet before securing more waste containers. That costly burden may force utilities to consider shutting down nuclear plants prematurely. Is nuclear electricity to become a casualty of misguided DOE planning or continue, through this legislation, to be a reliable, clean energy source.

Don't forget that this legislation isn't just about finding a suitable spot for commercial nuclear waste. States like Idaho must worry about permanent storage for high-level radioactive waste from defense-related activities and used fuel from research reactors. Idaho is host to a wide range of defense facility wastes at the Idaho National Engineering Laboratory. Cleanup of INEL is likely to take decades. But how does the Federal Government plan to clean up this site if it has no place to dispose of the high-level waste? Leaving it in the vicinity of the Snake River and Sun Valley hardly qualifies as proper action on the part of the Federal Government.

That's why S. 104 calls for DOE to factor those types of used fuel into its capacity at an interim storage facility and ultimately at a permanent underground repository. This amount of waste from defense activities, naval reactors, universities, and foreign research reactors, at a minimum, must be no less than 5 percent of total acceptance during a given year.

At Idaho National Engineering Laboratory, the Department of Energy collects fuel from naval and research reactor projects like Connecticut, and Illinois' Argonne National Laboratory, New Mexico, Maryland, Colorado, and California's Aerotest and General Atomics sites.

DOE is also sending used nuclear fuel to Idaho from foreign research reactors. Idaho National Engineering Laboratory will accept used fuel assemblies from the Pacific rim this year, even though the Federal Government will not commit to taking used fuel from commercial reactors as it is obligated to next year. And while our taxpaying, electricity consuming constituents are shouldering the entire burden to develop a national waste disposal plan, the Department of Energy and the Clinton administration are willing to have our constituents assume the full cost of transporting and managing the spent nuclear fuel from foreign countries with research reactors that can't afford to pay for the service. Why should we be debating this storage issue with Clinton administration opposition when the Department of Energy's position is to help foreign countries with their nuclear waste storage problems before that Department is willing to address our country's own storage problems in a meaningful way?

Most importantly, perhaps, let me say that this legislation is without question the most environmentally sound bill this Congress has the opportunity to approve.

S. 104 fully complies with the National Environmental Policy Act. It calls for environmental impact statements for an interim central storage facility and a permanent, underground repository. Judicial review of both impact statements ensures acceptable health and safety standards. It is designed to choose transportation routes that minimize impact on the environment and population centers—by avoiding densely populated areas and shipping only along specified rail and highway routes. States can also participate in the route selection.

By finding a suitable place to store nuclear waste, it ensures that Americans will continue to enjoy clean, cost-effective nuclear electricity that is part of the U.S. diverse blend of energy sources. Since 1973, our Nation's nuclear powerplants have reduce the cumulative amount of emissions from carbon dioxide, the chief greenhouse gas, by 1.9 billion metric tons of carbon. In fact, it many reasonably be asserted that S. 104 furthers the Clinton administration's climate change action plan, which is intended to achieve a Presidentially imposed U.S. limit to carbon dioxide emissions to 1990 levels by 2000. That's a reduction of 108 million metric tons of carbon.

Madam President, I would like to address our attempts to work with the Clinton administration and the Department of Energy to reach an agreement on how we can expeditiously proceed to resolve this problem. The plain fact of the matter is that little progress was made during the past 4 years, and the current position of the administration holds little hope for much progress during the President's current term of office. The administration and the Department of Energy continue to only pay lip service to the problem without offering any meaningful alternative to the solutions proposed in S. 104.

S. 104 is the fulfillment of the promise of Congress to the American people and will begin the process of putting in place storage facilities for spent nuclear fuel. We must continue to find solutions to potential problems created in the 20th century before we begin to build bridges to the 21st century. In preparing for our future, we must clearly remained focused on the present.

The fact is, simply stated, that this country has 109 nuclear powerplants operating and providing more than 20 percent of our electricity in a process that produces no harmful air emissions. We have the responsibility, in return, to ensure that the nuclear waste from those facilities and from defense-related activities is safeguarded and managed in a reasonable and reliable manner. This isn't a decision to impose upon future generations. It is a decision that is our responsibility to make now.

In closing, I would like to commend Senators MURKOWSKI, CRAIG, and all those who cosponsored and worked for the passage of S. 104 for their diligence in pressing forward and recognizing the importance of achieving bipartisan support to enact meaningful reform for the benefit of the American people. Finally it appears that we are going to pass the legislation which would carry out the intent of that act. If we do not, it would be another 15 years before we would get a final result and billions more dollars. We need to act on this legislation. I am assured that the House is going to act this year, and we can send this legislation to the President for his hoped-for signature or his veto, if he feels so inclined. But I think it is a very important issue. This is in my opinion the most important environmental issue that faces this country. We have nuclear waste in temporary sites in cooling ponds in States, buried in South Carolina, Vermont, in my own State of Mississippi, Idaho, Minnesota, and from the shores of the Atlantic to the shores of the Pacific. This waste is there and we need action. We need it now.

This legislation has been carefully drafted. The concerns that have been raised about transportation are properly addressed here.

Madam President, I urge my colleagues to support this very carefully crafted legislation.

MORNING BUSINESS

Mr. LOTT. Madam President, I ask unanimous consent that there now be a period for the transaction of morning business with Senators permitted to speak for up to 5 minutes each.

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

TRIBUTE TO THE RESERVE OFFICERS ASSOCIATION OF THE UNITED STATES ON THE OCCASION OF THEIR 75TH ANNIVERSARY

Mr. THURMOND. Madam President, just across the street from the east front of the U.S. Capitol stands the Minute Man Memorial building, which houses the Reserve Officers Association of the United States, one of the most patriotic and self-sacrificing organizations in the Nation. This year marks the association's 75th anniversary, and its origins, history, and accomplishments are all well worth remembering.

At the beginning of World War I, America found herself unprepared to enter the fight in Europe because we had an inadequate supply of trained military leaders for our Armed Forces. Confusion prevailed at the War Department while recruiters rushed to select, and the military hastened to train, an officer corps that would be large enough to lead ''Doughboys'' and ''Devil Dogs'' on the battlefields of France and Germany. Despite the lack of initial preparation, the United States' entry into World War I proved to be the decisive factor in securing victory against our enemies and bringing peace to the continent. After the armistice was signed and our troops came home, American military leaders were wisely determined to never be faced with another shortage of commissioned officers, and on October 2, 1922, 140 reserve officers, at the suggestion of General of the Army John J. Pershing, met at the Willard Hotel in Washington, DC. At that meeting, General Pershing said, ''I consider this gathering perhaps one of the most important, from a military point of view, that has assembled in Washington or anywhere else within the confines of this country within my time,'' and the Reserve Officers Association of the United States [ROA] was organized.

The new found commitment to a well-trained and equipped force got off to a positive start with the passage of the National Defense Act of 1920 which created a 2 million member ''Citizens Army,'' to be led by a 200,000 member Officers Reserve Corps. However, it was clear that the success of this civilian army and reserve corps of officers would depend entirely upon the patriotic and voluntary spirit of Americans. With this understanding, General Pershing charged ROA with the responsibility to recruit the corps, develop public support for it, and petition Congress to appropriate adequate funds to train these citizen service members.

As the United States grappled with recovering from the Depression and getting its economy back on its feet, the seeds of war were being sowed in Europe and Asia, and on December 7, 1941, a surprise attack on American Navy facilities at Pearl Harbor finally pushed our Nation back into another global conflict, World War II. Though still under-prepared for war, we thankfully had an Officer Reserve Corps that had grown to 115,000 and the chaotic rush to recruit officers that took place in the First World War was not repeated. General George C. Marshall said, ''In contrast with the hectic days of 1917 * * * with no adequate reservoir of officers to draw upon * * * we now have available in the Officers Reserve Corps a great pool of trained men available for instant service.'' Clearly, the R.O.A. had done their job.

During the war, the ROA suspended its activities as its members were off serving in the branches of the various armed services; once, however, the hostilities ceased and the troops came home, the ROA resumed its activities as advocates for the Reserve forces and a strong national defense. That the founder of one of the first ROA chapters in Kansas City, Harry S. Truman, was now President of the United States signalled that the reserve structure was to grow and grow stronger in the post-World War II/cold war era. During his administration, President Truman ordered his Secretary of Defense to aggressively build a reserve military structure, and the Chief Executive took personal pride in the passage of a strong Armed Forces Reserve Act.

It was also during this period that Congress took the unusual step of granting the ROA a charter mandating the organization ''to support a military policy of the United States that will provide adequate national security, and to promote the development and execution thereof''. With this infrequently granted charter, Congress, in effect, was telling ROA that it respected its expertise and desired the association's advice on legislation affecting national security, as well as matters involving the military, both Reserve and Active.

Over the years, the ROA has taken its charter and congressional mandate seriously. Its positions are without partisanship and are based solely on promoting a strong defense. The officers and members of the ROA have supported initiatives they thought would strengthen our Nation's military, and opposed those which would undermine America's preparedness. The ROA helped block attempts to eliminate the Coast Guard and Air Force Reserves, and to cut the Navy Reserve in half; and, they stood strong against the Panama Canal and the SALT II treaties, as well as any budget or manpower cuts to our Reserve forces. On the other hand, revitalizing the Selective Service System, lifting the embargo on arms sales to Turkey, selling AWACS to Saudi Arabia, and activating the Reserves during the early days of the gulf war all were supported by the ROA During the Clinton administration, the Association has been out front in seeking postwar benefits for military personnel including medical treatment for victims of gulf war illnesses, and it is most notable that since 1982, the ROA has successfully supported more than $15 billion in equipment procurement and construction for the Reserve and National Guard.

Madam President, the ROA of today is a strong and vibrant association whose 100,000 strong membership includes active, retired, and honorably discharged officers of all the services; cadets and midshipmen from the service academies and ROTC programs; and officers of the Public Health Service, and the National Oceanic and Atmospheric Administration. That more than half of these individuals are life members is an indication of the amount of support the ROA has among the Reserve community, and the credibility it has as representatives of our Nation's truest ''citizen-soldiers''. Obviously, such a dynamic organization requires dynamic leadership and I am proud to note that my friend and fellow South Carolinian, Maj. Gen. Herbert Koger, Jr., USAR, is serving as the president of the ROA this year, an office that is rotated annually among each of the services. Additionally, retired Maj. Gen. Roger W. Sandler, who was Chief of the Army Reserve prior to his 1994 retirement, very capably serves as the association's chief of staff. I commend both these men for the excellent jobs they do, especially for the input they give Congress on matters related to our national security.

Madam President, as the Reserve Officers Association prepares to enter its fourth quarter of a century of service, I think it is appropriate to cite another quote by General Pershing, who said, ''It would be false economy to save a few dollars by neglecting commonsense preparation in peace times, and then to spend billions to make up for the deficiency when war comes.'' These are the watchwords of the men and women who makeup the ROA, and words each of us should bear in mind as we approach the 21st century and begin to consider the future needs, roles, and missions of our armed services.

Congratulations to the Reserve Officers Association of the United States on its 75th anniversary.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Madam President, at the close of business, Friday, April 11, 1997, the Federal debt stood at $5,378,191,895,041.28. Five trillion, three hundred seventy-eight billion, one hundred ninety-one million, eight hundred ninety-five thousand, forty-one dollars and twenty-eight cents.

One year ago, April 11, 1996, the Federal debt stood at $5,143,688,000,000. Five trillion, one hundred forty-three billion, six hundred eighty-eight million dollars.

Twenty-five years ago, April 11, 1972, the Federal debt stood at $429,624,000,000. Four hundred twenty-nine billion, six hundred twenty-four million dollars, which reflects a debt increase of nearly $5 trillion—$4,948,567,895,041.28. Four trillion, nine hundred forty-eight billion, five hundred sixty-seven million, eight hundred ninety-five thousand, forty-one dollars and twenty-eight cents, during the past 25 years.

THE U.S. ARMY'S TASK FORCE XXI ADVANCED WARFIGHTING EXPERIMENT

Mr. LEVIN. Madam President, during the recent congressional recess I visited the U.S. Army's National Training Center at Fort Irwin, CA, with Army Chief of Staff Gen. Dennis Reimer. The purpose of my visit was to observe the culmination of the Army's brigade-size Task Force XXI warfighting experiment. I want to take a few moments

today to describe this important and far-reaching exercise for my colleagues.

The Army's National Training Center is probably the best training center for mechanized ground combat forces in the world. Army brigades rotate through the NTC to test their skills in a 2-week exercise against the NTC's vaunted opposing force, or OPFOR—the 11th Armored Cavalry Regiment, currently commanded by Col. Guy Swan. This opposing force uses equipment and tactics similar to those used by the military forces of the former Warsaw Pact. Many in the Army consider this force to be the best-trained brigade-size force of any army in the world.

The exercise I observed with General Reimer was part of the Army's Task Force XXI advanced warfighting experiment. It involved the so-called experimental force of the 1st Brigade of the 4th Infantry Division, Mechanized—the EXFOR—commanded by Col. Tom Goedkoop. This was a long anticipated exercise, Mr. President, because it was the first brigade-level test of a range of digital technology capabilities designed to bring the power of information warfare to ground combat forces.

The goal of the Army's Task Force XXI advanced warfighting experiment is to increase the combat power of Army divisions and to make them more versatile, more deployable and more agile across a broad range of missions. Some people have even compared the 2-week exercise at the National Training Center with the historic Louisiana maneuvers of the 1930's which established the structure and warfighting doctrine of our World War II Army.

The Army began this experiment with digitization with the decision over a year ago to use the 4th Infantry Division, Mechanized, stationed at Fort Hood as a testbed for this technology. The Army established a factory-like operation at Fort Hood to modify over 900 vehicles into over 180 different configurations. The EXFOR was equipped with 87 different digital systems—over 5,000 individual pieces of equipment in total. This digital equipment included unmanned aerial vehicles, a networked computer system, global positioning satellite receivers, position reporting transmitters, digital radios, and the most advanced night vision and thermal imaging equipment.

This equipment was developed and designed to dramatically improve the situational awareness capability of the experimental force. Situational awareness refers to the ability to determine and track the location of all forces on the battlefield at a given time. It is the ability to answer the three questions—Where am I? Where are my buddies? Where is the enemy?—which are critical to success on the modern battlefield. Each vehicle in the EXFOR brigade was outfitted with a computer terminal that gave the members of the brigade unprecedented and real-time friendly situational awareness from the individual infantry fighting vehicles and tanks all the way up to division level, as well as unprecedented intelligence on enemy, or OPFOR, operations.

The digital equipment also provided the EXFOR with integrated and automated mission planning, mission execution, and command and control capabilities never before available to any army in the world. For intelligence information, commanders down to battalion level could access all levels of support, including national satellite systems, overhead reconnaissance aircraft like the U–2, the SR–71, and JSTARS, the Joint Surveillance Target Attack Radar System.

During my visit to the NTC, I observed the combat battalions of the experimental force in a deep attack against the opposing force. I watched as the EXFOR conducted breach operations against the OPFOR's formidable obstacle system as the OPFOR fought to defend its battle position. While this specific engagement turned out to be a tactical draw, there were many instances where the technology available to the experimental force demonstrated the potential for greatly enhanced capabilities in the Army of the future.

Before a combat operation the commander generally conducts what is called the intelligence preparation of the battlefield. In the case of offensive operations, the commander and his staff compare a doctrinal template of the way they expect the enemy to array his forces in the defense to that dictated by the actual terrain in the area of operations. The resultant situational template allows the commander to target his reconnaissance effort against the suspected enemy defensive positions to confirm or deny the accuracy of the template. He then adjusts his scheme of firing and maneuvering to effectively attack and destroy the enemy in his confirmed positions.

Today, Army units rely principally on their integral aerial and ground scouts with their current optical, thermal, or radar systems to conduct this reconnaissance. Very often scouts are destroyed before reaching their positions, or are unable to send back accurate or timely spot reports for any number of reasons. In that case a commander is forced to attack against an unconfirmed or incomplete situational template of the enemy defense, or is forced to change his scheme of maneuver at the last minute—a particularly difficult and dangerous endeavor.

With its enhanced situational awareness capability, the EXFOR was able to conduct the intelligence preparation of the battlefield much quicker and with greater accuracy than normal Army brigades. The situational template was developed and transmitted digitally to all echelons of command. The commander used all reconnaissance assets, including national satellite systems, overhead aircraft, UAV reconnaissance, and the Joint Surveillance Target Attack System, as well as his integral aerial and ground scouts who were equipped with enhanced sights and other surveillance equipment. OPFOR positions were detected and transmitted digitally to all of the EXFOR vehicle computer systems to update the situational template. With such accurate and timely intelligence the commander was able to quickly change the scheme of fires and maneuver for his attack with ample time and information for subordinate commanders to plan and react effectively.

During the EXFOR attack the OPFOR employed an artillery delivered minefield across the EXFOR's avenue of approach in an attempt to confuse and slow the EXFOR attack. With its superior situational awareness provided by its digital systems, the EXFOR was able to transmit the locations of the minefield quickly and accurately to follow-on attacking battalions. These battalions were able to avoid the minefield and resort to an alternate route of attack. Likewise, superior situational awareness permitted those battalions, in the dead of night, to rapidly traverse the more difficult terrain of the alternate route and surprise an OPFOR unaccustomed to such a rapid response on the part of a training unit.

During this attack highly accurate situational awareness permitted rapid and effective EXFOR response in other situations as well. In the battle I observed, the EXFOR placed very accurate counter-battery radar coverage zones around its units that needed priority protection. This proved critical when the EXFOR combat engineers were breaching the obstacles in front of the OPFOR defensive position and came under OPFOR mortar attack. The counter-battery radars detected the first incoming rounds and alerted EXFOR artillery, which immediately responded with counter-battery fires that destroyed the OPFOR mortars before they could fire another round against the engineers.

During the later stages of the battle I visited the brigade and divisional tactical operations centers and saw the soldiers and officers of the EXFOR using the digital equipment in the most realistic combat environment the Army can simulate short of actual war. I observed the unmanned aerial vehicle—or UAV—being flown from a van attached to the brigade tactical operations center under the direction of one of the brigade operations officers, providing the brigade with real-time intelligence and tremendous targeting information. The commander of the OPFOR brigade later told me that he had to devote significantly more resources to protecting his own forces in this exercise compared to others. He said that all of his soldiers, for example, spent a lot of time during the 2-week exercise looking up in the sky and watching for the EXFOR's UAV's.

Madam President, an important aspect of the Army's effort to incorporate digital technology into its divisions is the unprecedented cooperation between the Army and the contractor community. This cooperation extended to the exercise at the National Training Center. During my visit I toured what the Army calls the Central Technical Support Facility, a facility jointly manned by Army personnel and contractor personnel. The Army established this unique organization to act as an enabler for rapid integration of software and hardware systems through interaction of soldiers, contractors, and program managers. Any problems identified by the soldier-users of the tactical internet and digital systems were immediately dealt with by hardware and software engineers at the Central Technical Support Facility. In some cases, their solutions resulted in design changes which were immediately incorporated into the experiment, shaving months or years off the normal time-lines for the testing and acquisition process. Senior Army officials believe this concept is a prototype which holds great potential for changing the way users and contractors interact in the future. I share the Army's interest in further development of this arrangement.

I have inevitably been asked who won the 2-week exercise—was it the EXFOR with its new technology, or was it the OPFOR who lacked the newer technology but had a tremendous home-field advantage with its intimate knowledge of the terrain and long experience of fighting together? The answer to that question is not nearly as important as the answer to the question of how effective were the various new technologies used by the EXFOR.

The answer to both will have to wait for the results of the comprehensive after-action review that is being conducted by the Army. My own discussions during my visit left me with the overall impression that this digitization technology can be a tremendously powerful tool for the Army. UAV's—unmanned aerial vehicles—were a great force multiplier, as were the latest generation night vision equipment and the situational awareness technology. The Apache Longbow helicopter, the new Javelin antitank weapon and the Paladin howitzer were all combat systems available to the EXFOR which gave them a clear advantage over the OPFOR, and these systems were made even more effective by UAV's and other systems that provided real-time targeting data.

In some significant instances, the NTC exercise did not reflect the full potential of some new technologies that are already reaching the deployed forces. For example, the M1A2 tank is in such short supply at this time that the Army is fielding this system only with the early deploying combat forces. The EXFOR was using M1A1 tanks with internally mounted computer terminals to provide situational awareness. Although these internally mounted terminals are a great help, they are not a long-term solution and do not adequately represent the target acquisition and situational awareness capability of the embedded information warfare systems fielded with the M1A2.

The technologies that the Army is testing under their advanced warfighting experiments are not without bugs and problems. Some echelons of command, for example, were reluctant to rely on the real-time situational awareness reported digitally over the EXFOR's tactical internet and preferred instead to rely on traditional acetate maps and voice communications. With much of the technology still in development, this reliance on traditional methods of command and control was understandable, and some backup capability to the tactical internet will need to be retained in the future. In general, though, much of the technology that I saw on display during the exercise can be incorporated into systems that will significantly improve the survivability and lethality of our Army combat forces. The commander of the OPFOR brigade acknowledged that his brigade had been tested more than usual by the EXFOR brigade. He also said that he would not like to fight the EXFOR brigade after they had a year to train with their new equipment.

There is an old saying that knowledge is power. The advanced warfighting experiment at the National Training Center demonstrated that knowledge is also military power—particularly the knowledge of the battlefield that comes from the tremendous situational awareness available through the digital technology of information warfare. No amount of technology is going to change the basic requirement for Army combat forces to be able to close with and destroy the enemy. But the information dominance that the Army is developing through the Force XXI effort can be a tremendous force multiplier.

Earlier this year General Shalikashvili told the Armed Services Committee that the Defense Department will have to change the way it does business. ''Where possible,'' General Shalikashvili stated, ''we will also have to trim personnel end strength especially where technological changes such as improved weapons systems afford us the possibility to consider fewer and smaller units.'' The technology of information warfare tested at the National Training Center last month is a good example of technology that may in fact allow a smaller force to have the same or even greater lethality and combat effectiveness as the forces we have today.

Madam President, I want to congratulate General Reimer, the Army Chief of Staff and his predecessor Gen. Gordon Sullivan; Gen. William Hartzog, the commander of the Army's Training and Doctrine Command; and Maj. Gen. Paul Kern, the commander of the 4th Infantry Division for their vision and determination to make information technology a force multiplier for the Army of the future. I also want to congratulate the thousands of soldiers, Department of the Army civilians, and civilian contractors responsible for their contributions to this important effort.

The job, however, is not complete. There are a number of challenges that must be addressed before the decision is made to expand this technology throughout the Army, including questions of cost; the integration of new technology into existing systems; the impact of this technology on the Army's organizational structure and doctrine, and on the tactics, techniques and procedures to execute this doctrine; the impact on the training base; and the impact on personnel systems, including leader development.

Madam President, the Armed Services Committee will look closely at the results and lessons learned from the advanced warfighting experiment in the coming weeks and months. I look forward to working with the Army and with my colleagues on the Armed Services Committee to bring the best of this experiment to the rest of the Army in a timely manner.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC 1501. A communication from the Director of the U.S. Arms Control and Disarmament Agency, transmitting, a draft of proposed legislation entitled ''The Chemical Weapons Convention Implementation Act of 1997''; to the Committee on Foreign Relations.

EC 1502. A communication from the Chairman of the Board of the African Development Foundation, transmitting, a draft of proposed legislation to authorize appropriations for the African Development Foundation; to the Committee on Foreign Relations.

EC 1503. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of voluntary contributions to international organizations for the period October 1, 1995 through March 31, 1996; to the Committee on Foreign Relations.

EC 1504. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, the report of the texts of

international agreements, other than treaties, and background statements; to the Committee on Foreign Relations.

EC 1505. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, the report of the texts of international agreements, other than treaties, and background statements; to the Committee on Foreign Relations.

EC 1506. A communication from the General Counsel of the Department of Treasury, transmitting, a draft of proposed legislation to authorize appropriations to pay for the U.S. capital subscription as part of the eighth general capital increase of the Inter-American Development Bank; to the Committee on Foreign Relations.

EC 1507. A communication from the General Counsel of the Department of Treasury, transmitting, a draft of proposed legislation to authorize the U.S. participation in and appropriations for the U.S. contribution to the sixth replenishment of the resources of the Asian Development Bank; to the Committee on Foreign Relations.

EC 1508. A communication from the General Counsel of the Department of Treasury, transmitting, a draft of proposed legislation to authorize consent to and authorize appropriations for a U.S. contribution to the Interest Subsidy Account of the successor to the Enhanced Structural Adjustment Facility of the International Monetary Fund; to the Committee on Foreign Relations.

EC 1509. A communication from the General Counsel of the Department of Treasury, transmitting, a draft of proposed legislation to authorize the U.S. participation in and appropriations for the U.S. contribution to the eleventh replenishment of the resources of the International Development Association; to the Committee on Foreign Relations.

EC 1510. A communication from the General Counsel of the Department of Treasury, transmitting, a draft of proposed legislation to authorize the U.S. participation in an increase in authorized capital stock of the European Bank for Reconstruction and Development, and to authorize appropriations to pay for the increase in the U.S. capital subscription; to the Committee on Foreign Relations.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. JEFFORDS, from the Committee on Labor and Human Resources: Alexis M. Herman, of Alabama, to Secretary of Labor.

(The above nomination was reported with the recommendation that she be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. SANTORUM (for himself and Mr. COVERDELL):

S. 563. A bill to limit the civil liability of business entities that donate equipment to nonprofit organizations; to the Committee on the Judiciary.

S. 564. A bill to limit the civil liability of business entities providing use of facilities to nonprofit organizations; to the Committee on the Judiciary.

S. 565. A bill to limit the civil liability of business entities that make available to a nonprofit organization the use of a motor vehicle or aircraft; to the Committee on the Judiciary.

S. 566. A bill to limit the civil liability of business entities that provide facility tours; to the Committee on the Judiciary.

By Mr. SMITH of New Hampshire:

S. 567. A bill to permit revocation by members of the clergy of their exemption from Social Security coverage; to the Committee on Finance.

By Mr. HATCH (for himself, Mr. MACK, Mr. KENNEDY, Mr. D'AMATO, and Mr. MOYNIHAN):

S. 568. A bill to make a technical correction to title 28, United States Code, relating to jurisdiction for lawsuits against terrorist states; to the Committee on the Judiciary.

By Mr. MCCAIN (for himself, Mr. CAMPBELL, Mr. DOMENICI, and Mr. DORGAN):

S. 569. A bill to amend the Indian Child Welfare Act of 1978, and for other purposes; to the Committee on Indian Affairs.

By Mr. NICKLES (for himself, Mr. BREAUX, Mr. MACK, Mr. BAUCUS, Mr. D'AMATO, Mr. BOND, Mr. DEWINE, Mr. COCHRAN, Mr. ENZI, Mr. HAGEL, and Mr. THOMAS):

S. 570. A bill to amend the Internal Revenue Code of 1986 to exempt certain small businesses from the mandatory electronic fund transfer system; to the Committee on Finance.

By Mr. REID:

S. 571. A bill to establish a uniform poll closing time throughout the continental United States for Presidential general elections; to the Committee on Rules and Administration.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. WYDEN (for himself, Mr. REID, Mr. WELLSTONE, Mr. MURKOWSKI, and Mr. BRYAN):

S. Res. 71. A bill to ensure that the Senate is in compliance with the Congressional Accountability Act with respect to permitting a disabled individual access to the Senate floor when that access is required to allow the disabled individual to discharge his or her official duties; to the Committee on Rules and Administration.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SANTORUM (for himself and Mr. COVERDELL):

S. 563. A bill to limit the civil liability of business entities that donate equipment to nonprofit organizations; to the Committee on the Judiciary.

S. 564. A bill to limit the civil liability of business entities providing use of facilities to nonprofit organizations; to the Committee on the Judiciary.

S. 565. A bill to limit the civil liability of business entities that make available to a nonprofit organization the use of a motor vehicle or aircraft; to the Committee on the Judiciary.

S. 566. A bill to limit the civil liability of business entities that provide facility tours; to the Committee on the Judiciary.

LEGISLATION TO LIMIT CIVIL LIABILITY OF BUSINESS

• Mr. SANTORUM. Mr. President, I introduce four related pieces of legislation all aimed at increasing donations of goods and services to charities. Collectively called the charity empowerment project, I urge my colleagues to consider cosponsoring these bills.

Over the past 30 years, courts have consistently expanded what constitutes tortious conduct. Regrettably, fault is often not a factor when deciding who should compensate an individual for damages incurred. This has had an impact on charitable giving. Today, individuals and businesses are wary of giving goods, services, and time to charities for fear of frivolous lawsuits.

The charity empowerment project is designed to free up resources for charities by providing legal protections for donors. Generally, these bills raise the tort liability standard for donors, whereby they are liable only in cases of gross negligence, hence eliminating strict liability and returning to a fault based legal standard. By allowing businesses to once again become good Samaritans, I look forward to seeing a massive increase in the donation of goods and services to charities.

Specifically, I am introducing four bills each of which accomplishes one of the following four objectives: First, to limit the civil liability of business entities that donate equipment to nonprofit organizations; second, to limit the civil liability of business entities that provide use of their facilities to nonprofit organizations; third, to limit the civil liability of business entities that provide facility tours; and fourth, to limit the civil liability of business entities that make available to nonprofit organizations the use of motor vehicles or aircraft.

Clearly, where an organization is grossly negligent when providing goods or the use of its facilities to charity, that organization should be fully liable for injuries caused. These bills merely require this to be the standard in cases arising from certain donations to charities.

Last autumn, the Good Samaritan Food Donation Act was passed into law. This law now protects donors of foodstuffs to charities from liability except in cases where the donor was grossly negligent in making the donation. I was proud to join Senator BOND in his successful efforts to pass this act. The bills I introduce today draw from my successful work with Senator BOND last year. Each of these bills is modeled on the legal framework of the Good Samaritan Food Donation Act. I hope my distinguished colleagues who supported the Food Donation Act will help further these efforts by supporting the charity empowerment project.

Mr. President, I wish to note additional efforts by my colleagues to enhance charitable giving. Senator COVERDELL and Senator ASHCROFT have recently introduced legislation which

protects volunteers from frivolous and damaging litigation. I am proud to be an original cosponsor of Senator COVERDELL's Volunteer Protection Act of 1997, and I anticipate supporting Senator ASHCROFT's bill with equal vigor. Collectively, I look forward to our legislation freeing up massive resources for charities through increased volunteerism and increased giving.

At the end of this month, the Summit for America's Future will assemble in Philadelphia. The Senate now has the opportunity to consider the Santorum, Coverdell, and Ashcroft bills prior to the convening of this century's greatest gathering on voluntarism. There may never be a more appropriate time to consider legislation which so dramatically empowers charities with enhanced ability to carry out their noble causes.

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

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 563

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LIABILITY OF BUSINESS ENTITIES THAT DONATE EQUIPMENT TO NONPROFIT ORGANIZATIONS.

(a) DEFINITIONS.—In this section:

(1) BUSINESS ENTITY.—The term ''business entity'' means a firm, corporation, association, partnership, consortium, joint venture, or other form of enterprise.

(2) EQUIPMENT.—The term ''equipment'' includes mechanical equipment, electronic equipment, and office equipment.

(3) GROSS NEGLIGENCE.—the term ''gross negligence'' means voluntary and conscious conduct by a person with knowledge (at the time of the conduct) that the conduct is likely to be harmful to the health or well-being of another person.

(4) INTENTIONAL MISCONDUCT.—The term ''intentional misconduct'' means conduct by a person with knowledge (at the time of the conduct) that the conduct is harmful to the health or well-being of another person.

(5) NONPROFIT ORGANIZATION.—The term ''nonprofit organization'' means—

(A) any organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code; or

(B) any not-for-profit organization organized and conducted for public benefit and operated primarily for charitable, civic, educational, religious, welfare, or health purposes.

(6) STATE.—The term ''State'' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, any other territory or possession of the United States, or any political subdivision of any such State, territory, or possession.

(b) LIMITATION ON LIABILITY.—

(1) IN GENERAL.—Subject to subsection (c), a business entity shall not be subject to civil liability relating to any injury or death that results from the use of equipment donated by a business entity to a noprofit organization.

(2) APPLICATION.—This subsection shall apply with respect to civil liability under Federal and State law.

(c) EXCEPTION FOR LIABILITY.—Subsection (b) shall not apply to an injury or death that results from an act or omission of a business entity that constitutes gross negligence or intentional misconduct, including any misconduct that—

(1) constitutes a crime of violence (as that term is defined in section 16 of title 18, United States Code) or act of international terrorism (as that term is defined in section 2331 of title 18) for which the defendant has been convicted in any court;

(2) constitutes a hate crime (as that term is used in the Hate Crime Statistics Act (28 U.S.C. 534 note));

(3) involves a sexual offense, as defined by applicable State law, for which the defendant has been convicted in any court; or

(4) involves misconduct for which the defendant has been found to have violated a Federal or State civil rights law.

(d) SUPERSEDING PROVISION.—

(1) IN GENERAL.—Subject to paragraph (2) and subsection (e), this Act preempts the laws of any State to the extent that such laws are inconsistent with this Act, except that this Act shall not preempt any State law that provides additional protection for a business entity for an injury or death described in subsection (b)(1).

(2) LIMITATION.—Nothing in this Act shall be construed to supersede any Federal or State health or safety law.

(e) ELECTION OF STATE REGARDING NONAPPLICABILITY.—This Act shall not apply to any civil action in a State court against a business entity in which all parties are citizens of the State if such State enacts a statute—

(1) citing the authority of this subsection;

(2) declaring the election of such State that this Act shall not apply to such civil action in the State; and

(3) containing no other provisions.

S. 564

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LIABILITY OF BUSINESS ENTITIES PROVIDING USE OF FACILITIES TO NONPROFIT ORGANIZATIONS.

(a) DEFINITIONS.—In this section:

(1) BUSINESS ENTITY.—The term ''business entity'' means a firm, corporation, association, partnership, consortium, joint venture, or other form of enterprise.

(2) FACILITY.—The term ''facility'' means any real property, including any building, improvement, or appurtenance.

(3) GROSS NEGLIGENCE.—The term ''gross negligence'' means voluntary and conscious conduct by a person with knowledge (at the time of the conduct) that the conduct is likely to be harmful to the health or well-being of another person.

(4) INTENTIONAL MISCONDUCT.—The term ''intentional misconduct'' means conduct by a person with knowledge (at the time of the conduct) that the conduct is harmful to the health or well-being of another person.

(5) NONPROFIT ORGANIZATION.—The term ''nonprofit organization'' means—

(A) any organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code; or

(B) any not-for-profit organization organized and conducted for public benefit and operated primarily for charitable, civic, educational, religious, welfare, or health purposes.

(6) STATE.—The term ''State'' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, any other territory or possession of the United States, or any political subdivision of any such State, territory, or possession.

(b) LIMITATION ON LIABILITY.—

(1) IN GENERAL.—Subject to subsection (c), a business entity shall not be subject to civil liability relating to any injury or death occurring at a facility of the business entity in connection with a use of such facility by a nonprofit organization if—

(A) the use occurs outside of the scope of business of the business entity;

(B) such injury or death occurs during a period that such facility is used by the nonprofit organization; and

(C) the business entity authorized the use of such facility by the nonprofit organization.

(2) APPLICATION.—This subsection shall apply—

(A) with respect to civil liability under Federal and State law; and

(B) regardless of whether a nonprofit organization pays for the use of a facility.

(c) EXCEPTION FOR LIABILITY.—Subsection (b) shall not apply to an injury or death that results from an act or omission of a business entity that constitutes gross negligence or intentional misconduct, including any misconduct that—

(1) constitutes a crime of violence (as that term is defined in section 16 of title 18, United States Code) or act of international terrorism (as that term is defined in section 2331 of title 18) for which the defendant has been convicted in any court;

(2) constitutes a hate crime (as that term is used in the Hate Crime Statistics Act (28 U.S.C. 534 note));

(3) involves a sexual offense, as defined by applicable State law, for which the defendant has been convicted in any court; or

(4) involves misconduct for which the defendant has been found to have violated a Federal or State civil rights law.

(d) SUPERSEDING PROVISION.—

(1) IN GENERAL.—Subject to paragraph (2) and subsection (e), this Act preempts the laws of any State to the extent that such laws are inconsistent with this Act, except that this Act shall not preempt any State law that provides additional protection from liability for a business entity for an injury or death with respect to which conditions under subparagraphs (A) through (C) of subsection (b)(1) apply.

(2) LIMITATION.—Nothing in this Act shall be construed to supersede any Federal or State health or safety law.

(e) ELECTION OF STATE REGARDING NONAPPLICABILITY.—This Act shall not apply to any civil action in a State court against a business entity in which all parties are citizens of the State if such State enacts a statute—

(1) citing the authority of this subsection;

(2) declaring the election of such State that this Act shall not apply to such civil action in the State; and

(3) containing no other provisions.

S. 565

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LIABILITY OF BUSINESS ENTITIES PROVIDING USE OF A MOTOR VEHICLE OR AIRCRAFT.

(a) DEFINITIONS.—In this section:

(1) AIRCRAFT.—The term ''aircraft'' has the meaning provided that term in section 40102(6) of title 49, United States Code.

(2) BUSINESS ENTITY.—the term ''business entity'' means a firm, corporation, association, partnership, consortium, joint venture, or other form of enterprise.

(3) GROSS NEGLIGENCE.—The term ''gross negligence'' means voluntary and conscious conduct by a person with knowledge (at the

time of the conduct) that the conduct is likely to be harmful to the health or well-being of another person.

(4) INTENTIONAL MISCONDUCT.—The term ''intentional misconduct'' means conduct by a person with knowledge (at the time of the conduct) that the conduct is harmful to the health or well-being of another person.

(5) MOTOR VEHICLE.—The term ''motor vehicle'' has the meaning provided that term in section 30102(6) of title 49, United States Code.

(6) NONPROFIT ORGANIZATION.—The term ''nonprofit organization'' means—

(A) any organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code; or

(B) any not-for-profit organization organized and conducted for public benefit and operated primarily for charitable, civic, educational, religious, welfare, or health purposes.

(7) STATE.—The term ''State'' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, any other territory or possession of the United States, or any political subdivision of any such State, territory, or possession.

(b) LIMITATION ON LIABILITY.—

(1) IN GENERAL.—Subject to subsection (c), a business entity shall not be subject to civil liability relating to any injury or death occurring as a result of the operation of aircraft or a motor vehicle of a business entity loaned to a nonprofit organization for use outside of the scope of business of the business entity if—

(A) such injury or death occurs during a period that such motor vehicle or aircraft is used by a nonprofit organization; and

(B) the business entity authorized the use by the nonprofit organization of motor vehicle or aircraft that resulted in the injury or death

(2) APPLICATION.—This subsection shall apply—

(A) with respect to civil liability under Federal and State law; and

(B) regardless of whether a nonprofit organization pays for the use of the aircraft or motor vehicle.

(c) EXCEPTION FOR LIABILITY.—Subsection (b) shall not apply to an injury or death that results from an act or omission of a business entity that constitutes gross negligence or intentional misconduct, including any misconduct that—

(1) constitutes a crime of violence (as that term is defined in section 16 of title 18, United States Code) or act of international terrorism (as that term is defined in section 2331 of title 18) for which the defendant has been convicted in any court;

(2) constitutes a hate crime (as that term is used in the Hate Crime Statistics Act (28 U.S.C. 534 note));

(3) involves a sexual offense, as defined by applicable State law, for which the defendant has been convicted in any court; or

(4) involves misconduct for which the defendant has been found to have violated a Federal or State civil rights law.

(d) SUPERSEDING PROVISION.—

(1) IN GENERAL.—Subject to paragraph (2) and subsection (e), this Act preempts the laws of any State to the extent that such laws are inconsistent with this Act, except that this Act shall not preempt any State law that provides additional protection from liability for a business entity with respect an injury or death with respect to which the conditions described in subparagraphs (A) and (B) of subsection (b)(1) apply.

(2) LIMITATION.—Nothing in this Act shall be construed to supersede any Federal or State health or safety law.

(e) ELECTION OF STATE REGARDING NONAPPLICABILITY.—This Act shall not apply to any civil action in a State court against a volunteer, nonprofit organization, or governmental entity in which all parties are citizens of the State if such State enacts a statute—

(1) citing the authority of this subsection;

(2) declaring the election of such State that this Act shall not apply to such civil action in the State; and

(3) containing no other provisions.

S. 566

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LIABILITY OF BUSINESS ENTITIES PROVIDING TOURS OF FACILITIES.

(a) DEFINITIONS.—In this section:

(1) BUSINESS ENTITY.—The term ''business entity'' means a firm, corporation, association, partnership, consortium, joint venture, or other form of enterprise.

(2) FACILITY.—The term ''facility'' means any real property, including any building, improvement, or appurtenance.

(3) GROSS NEGLIGENCE.—The term ''gross negligence'' means voluntary and conscious conduct by a person with knowledge (at the time of the conduct) that the conduct is likely to be harmful to the health or well-being of another person.

(4) INTENTIONAL MISCONDUCT.—The term ''intentional misconduct'' means conduct by a person with knowledge (at the time of the conduct) that the conduct is harmful to the health or well-being of another person.

(5) STATE.—The term ''State'' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, any other territory or possession of the United States, or any political subdivision of any such State, territory, or possession.

(b) LIMITATION ON LIABILITY.—

(1) IN GENERAL.—Subject to subsection (c), a business entity shall not be subject to civil liability relating to any injury to, or death of an individual occurring at a facility of the business entity if—

(A) such injury or death occurs during a tour of the facility in an area of the facility that is not otherwise accessible to the general public; and

(B) the business entity authorized the tour.

(2) APPLICATION.—This subsection shall apply—

(A) with respect to civil liability under Federal and State law; and

(B) regardless of whether an individual pays for the tour.

(c) EXCEPTION FOR LIABILITY.—Subsection (b) shall not apply to an injury or death that results from an act or omission of a business entity that constitutes gross negligence or intentional misconduct, including any misconduct that—

(1) constitutes a crime of violence (as that term is defined in section 16 of title 18, United States Code) or act of international terrorism (as that term is defined in section 2331 of title 18) for which the defendant has been convicted in any court;

(2) constitutes a hate crime (as that term is used in the Hate Crime Statistics Act (28 U.S.C. 534 note));

(3) involves a sexual offense, as defined by applicable State law, for which the defendant has been convicted in any court; or

(4) involves misconduct for which the defendant has been found to have violated a Federal or State civil rights law.

(d) SUPERSEDING PROVISION.—

(1) IN GENERAL.—Subject to paragraph (2) and subsection (e), this Act preempts the laws of any State to the extent that such laws are inconsistent with this Act, except that this Act shall not preempt any State law that provides additional protection from liability for a business entity for an injury or death with respect to which the conditions under subparagraphs (A) and (B) of subsection (b)(1) apply.

(2) LIMITATION.—Nothing in this Act shall be construed to supersede any Federal or State health or safety law.

(e) ELECTION OF STATE REGARDING NONAPPLICABILITY.—This Act shall not apply to any civil action in a State court against a business entity in which all parties are citizens of the State if such State enacts a statute—

(1) citing the authority of this subsection;

(2) declaring the election of such State that this Act shall not apply to such civil action in the State; and

(3) containing no other provisions.●

By Mr. SMITH of New Hampshire:

S. 567. A bill to permit revocation by members of the clergy of their exemption from Social Security coverage; to the Committee on Finance.

SOCIAL SECURITY COVERAGE LEGISLATION

Mr. SMITH of New Hampshire. Mr. President, today I am introducing what I believe to be a very sensible piece of legislation which will allow a number of members of the clergy of all faiths to participate in the Social Security Program. Before 1968 a minister was exempt from Social Security coverage unless he or she chose to elect that coverage, and in 1968 ministers were covered by Social Security unless they filed an irrevocable exemption from the IRS on the grounds that they were opposed on basic religious principles to participate in any public insurance program. So a member of the clergy who is eligible for this exemption is an ''individual who is duly ordained, commissioned, or licensed member of a church, or a member of a religious order which has not taken a vow of poverty.''

About 260,000 ministers are affected by this exclusion. This legislation which I have offered would simply permit ministers and the few members of religious orders who have not taken a vow of poverty to secure that coverage. Modestly paid clergy would be among those most likely to need Social Security benefits when they retire. But earlier in their careers many chose not to participate in the program. They had good intentions. They were doing it on principle. But they didn't fully understand the ramifications of the exemption. Since 1968—once in 1977 and another time in 1986—ministers were given a temporary opportunity to revoke their exemption from Social Security; that is, they would have the opportunity to have a window whereby they could come back under the Social Security System.

This was brought to my attention by the distinguished bishop in Manchester, NH, Reverend Bishop O'Neil.

He brought this matter to my attention—that there are a number of hardships for individuals who may or may not have any retirement income as a result of this.

So this legislation simply provides another open season, a 2-year period whereby those who are clergy who may wish now to be under the Social Security System may take advantage of this opportunity to revoke their exemption.

That is all the bill does, and I think it is fair in that again these are very principled members of the cloth who have decided now that they would like to have the opportunity to get into the program.

So it is a 2-year open season during which the members of the clergy could opt into the system. The application for benefits must be filed before the clergy member can become entitled to benefits, and those who choose coverage would be subject to self-employment taxes. And their earnings would be credited for Social Security and for Medicare purposes. And, of course, no one who is at retirement age now would be allowed in. These would be people who are not yet at the retirement age.

Based on the experience in 1986 and the trends in the number of clergy since then, the Congressional Budget Office estimates that maybe as many as 1,500 to 1,600 members of the clergy would take advantage of the open season and enroll in Social Security. That is based on past performance. That is what happened in 1986. The bill was scored by the Congressional Budget Office. I have had it scored. It is a short-time revenue raiser because people would be paying into the system but, of course, it is going to ultimately be like any other Social Security beneficiary in the sense that we will be paying out more than comes in.

This legislation has the endorsement of the National Conference of Catholic Bishops. It is an issue of fairness. I hope my colleagues will join me in support of this legislation which I would like to see passed this year so that we could begin the open season process so that members of the clergy could opt in now to the Social Security System. I hope that many of my colleagues will join me as quickly as possible in cosponsoring the legislation so that we can get it out of the Finance Committee and here on the floor so that we can begin to correct this inadequacy, this unfairness where many members of the clergy are affected.

By Mr. McCAIN (for himself, Mr. CAMPBELL, Mr. DOMENICI, and Mr. DORGAN):

S. 569. A bill to amend the Indian Child Welfare Act of 1978, and for other purposes; to the Committee on Indian Affairs.

THE INDIAN CHILD WELFARE ACT AMENDMENTS OF 1997

• Mr. McCAIN. Mr. President, I am introducing today a bill to amend the Indian Child Welfare Act [ICWA] of 1978 to make the process that applies to voluntary Indian child custody and adoption proceedings more fair, consistent, and certain. The provisions of this legislation would further advance the best interests of Indian children without eroding tribal sovereignty and the fundamental principles of Federal-Indian law.

I want to thank my principal cosponsors, Senators CAMPBELL, DOMENICI, and DORGAN, for their continued support of this much-needed legislation. Let me point out also that this bill is identical to legislation which passed the Senate by unanimous consent on September 26, 1996. It is the result of nearly 2 years of discussions and debates among representatives of the adoption community, Indian tribal governments, and the Congress to address some of the problems with the implementation of ICWA since its enactment in 1978.

Mr. President, ICWA was originally enacted to provide for procedural and substantive protection for Indian children and families and to recognize and formalize a substantial role for Indian tribes in cases involving involuntary and voluntary child custody proceedings, whether on or off the Indian reservation. Although implementation of ICWA has been less than perfect, in the vast majority of cases ICWA has effectively provided such protection. It has compelled greater efforts and more painstaking analysis by State and private adoption agencies and State courts before removing Indian children from their homes and communities. It has required recognition by all parties that an Indian child has a vital interest in retaining a connection with his or her Indian tribe.

Nonetheless, particularly in the voluntary adoption context, there have been occasional, high-profile cases which have resulted in lengthy, protracted litigation causing great anguish for the children, their adoptive families, their birth families, and their Indian tribes. This bill takes a measured and limited approach, crafted by representatives of tribal governments and the adoption community, to address the problems of implementing ICWA in voluntary adoption proceedings.

This legislation would achieve greater certainty and speed in the adoption process for Indian children by providing new guarantees of early and effective notice in all cases involving Indian children. The bill also establishes new, strict time restrictions on both the right of Indian tribes and families to intervene and the right of Indian birth parents to revoke their consent to an adoptive placement. Finally, the bill includes a provision which would encourage early identification of the relatively few cases involving controversy and promote the settlement of cases by making visitation agreements enforceable.

For a full analysis of the provisions of the bill, I respectfully refer my colleagues to the report accompanying the legislation as it was reported to the Senate on July 26, 1996, which is Senate Report No. 104–335.

Mr. President, nothing is more sacred and more important to our future than our children. The issues surrounding Indian child welfare stir deep emotions. I am thankful that, in formulating the compromise that led to the introduction of this bill in the last Congress, the representatives of both the adoption community and tribal governments were able to put aside their individual desires and focus on the best interests of Indian children.

Mr. President, last year, proposals were put forth in the House which would have gone too far in restricting the application of ICWA. Those proposals, which were considered by the Senate as title III of H.R. 3286, the Adoption Promotion and Stability Act of 1996, were deleted by the Indian Affairs Committee because of our concern about the breadth of the language and the fundamental changes the provisions would have made to the government-to-government relationship between the United States and Indian tribes.

I believe this bill represents an appropriate and fair-minded compromise proposal which would enhance the best interests of Indian children by guaranteeing speed, certainty, and stability in the adoption process. At the same time, the provisions of this bill preserve fundamental principles of tribal government by recognizing the appropriate role of tribal governments in the lives of Indian children.

Mr. President, this bill has been thoroughly analyzed and debated in the Senate, as well as in the adoption community and Indian tribal governments. I believe it is time for the Congress to act in the best interests of Indian children by approving these amendments to the voluntary adoption procedures in the 1978 ICWA.

Mr. President, I ask unanimous consent that the full text of the legislation I am introducing today be printed in the RECORD.

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

S. 569

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCES.

(a) SHORT TITLE.—This Act may be cited as the ''Indian Child Welfare Act Amendments of 1997''.

(b) REFERENCES.—Whenever in this Act an amendment or repeal is expressed in terms of an amendment to or repeal of a section or other provision, the reference shall be considered to be made to a section or other provision of the Indian Child Welfare Act of 1978 (25 U.S.C. 1901 et seq.).

SEC. 2. EXCLUSIVE JURISDICTION.

Section 101(a) (25 U.S.C. 1911(a)) is amended—

(1) by inserting ''(1)'' after ''(a)''; and

(2) by striking the last sentence and inserting the following:

''(2) An Indian tribe shall retain exclusive jurisdiction over any child custody proceeding that involves an Indian child, notwithstanding any subsequent change in the residence or domicile of the Indian child, in any case in which the Indian child—

''(A) resides or is domiciled within the reservation of the Indian tribe and is made a ward of a tribal court of that Indian tribe; or

''(B) after a transfer of jurisdiction is carried out under subsection (b), becomes a ward of a tribal court of that Indian tribe.''.

SEC. 3. INTERVENTION IN STATE COURT PROCEEDINGS.

Section 101(c) (25 U.S.C. 1911(c)) is amended by striking ''In any State court proceeding'' and inserting ''Except as provided in section 103(e), in any State court proceeding''.

SEC. 4. VOLUNTARY TERMINATION OF PARENTAL RIGHTS.

Section 103(a) (25 U.S.C. 1913(a)) is amended—

(1) by inserting ''(1)'' before ''Where'';

(2) by striking ''foster care placement'' and inserting ''foster care or preadoptive or adoptive placement'';

(3) by striking ''judge's certificate that the terms'' and inserting the following: ''judge's certificate that—

''(A) the terms'';

(4) by striking ''or Indian custodian.'' and inserting ''or Indian custodian; and'';

(5) by inserting after subparagraph (A), as designated by paragraph (3) of this subsection, the following new subparagraph:

''(B) any attorney or public or private agency that facilitates the voluntary termination of parental rights or preadoptive or adoptive placement has informed the natural parents of the placement options with respect to the child involved, has informed those parents of the applicable provisions of this Act, and has certified that the natural parents will be notified within 10 days of any change in the adoptive placement.'';

(6) by striking ''The court shall also certify'' and inserting the following:

''(2) The court shall also certify'';

(7) by striking ''Any consent given prior to,'' and inserting the following:

''(3) Any consent given prior to,''; and

(8) by adding at the end the following new paragraph:

''(4) An Indian custodian who has the legal authority to consent to an adoptive placement shall be treated as a parent for the purposes of the notice and consent to adoption provisions of this Act.''.

SEC. 5. WITHDRAWAL OF CONSENT.

Section 103(b) (25 U.S.C. 1913(b)) is amended—

(1) by inserting ''(1)'' before ''Any''; and

(2) by adding at the end the following new paragraphs:

''(2) Except as provided in paragraph (4), a consent to adoption of an Indian child or voluntary termination of parental rights to an Indian child may be revoked, only if—

''(A) no final decree of adoption has been entered; and

''(B)(i) the adoptive placement specified by the parent terminates; or

''(ii) the revocation occurs before the later of the end of—

''(I) the 180-day period beginning on the date on which the Indian child's tribe receives written notice of the adoptive placement provided in accordance with the requirements of subsections (c) and (d); or

''(II) the 30-day period beginning on the date on which the parent who revokes consent receives notice of the commencement of the adoption proceeding that includes an explanation of the revocation period specified in this subclause.

''(3) The Indian child with respect to whom a revocation under paragraph (2) is made shall be returned to the parent who revokes consent immediately upon an effective revocation under that paragraph.

''(4) Subject to paragraph (6), if, by the end of the applicable period determined under subclause (I) or (II) of paragraph (2)(B)(ii), a consent to adoption or voluntary termination of parental rights has not been revoked, beginning after that date, a parent may revoke such a consent only—

''(A) pursuant to applicable State law; or

''(B) if the parent of the Indian child involved petitions a court of competent jurisdiction, and the court finds that the consent to adoption or voluntary termination of parental rights was obtained through fraud or duress.

''(5) Subject to paragraph (6), if a consent to adoption or voluntary termination of parental rights is revoked under paragraph (4)(B), with respect to the Indian child involved—

''(A) in a manner consistent with paragraph (3), the child shall be returned immediately to the parent who revokes consent; and

''(B) if a final decree of adoption has been entered, that final decree shall be vacated.

''(6) Except as otherwise provided under applicable State law, no adoption that has been in effect for a period longer than or equal to 2 years may be invalidated under this subsection.''.

SEC. 6. NOTICE TO INDIAN TRIBES.

Section 103(c) (25 U.S.C. 1913(c)) is amended to read as follows:

''(c)(1) A party that seeks the voluntary placement of an Indian child or the voluntary termination of the parental rights of a parent of an Indian child shall provide written notice of the placement or proceeding to the Indian child's tribe. A notice under this subsection shall be sent by registered mail (return receipt requested) to the Indian child's tribe, not later than the applicable date specified in paragraph (2) or (3).

''(2)(A) Except as provided in paragraph (3), notice shall be provided under paragraph (1) in each of the following cases:

''(i) Not later than 100 days after any foster care placement of an Indian child occurs.

''(ii) Not later than 5 days after any preadoptive or adoptive placement of an Indian child.

''(iii) Not later than 10 days after the commencement of any proceeding for a termination of parental rights to an Indian child.

''(iv) Not later than 10 days after the commencement of any adoption proceeding concerning an Indian child.

''(B) A notice described in subparagraph (A)(ii) may be provided before the birth of an Indian child if a party referred to in paragraph (1) contemplates a specific adoptive or preadoptive placement.

''(3) If, after the expiration of the applicable period specified in paragraph (2), a party referred to in paragraph (1) discovers that the child involved may be an Indian child—

''(A) the party shall provide notice under paragraph (1) not later than 10 days after the discovery; and

''(B) any applicable time limit specified in subsection (e) shall apply to the notice provided under subparagraph (A) only if the party referred to in paragraph (1) has, on or before commencement of the placement, made reasonable inquiry concerning whether the child involved may be an Indian child.''.

SEC. 7. CONTENT OF NOTICE.

Section 103(d) (25 U.S.C. 1913(d)) is amended to read as follows:

''(d) Each written notice provided under subsection (c) shall contain the following:

''(1) The name of the Indian child involved, and the actual or anticipated date and place of birth of the Indian child.

''(2) A list containing the name, address, date of birth, and (if applicable) the maiden name of each Indian parent and grandparent of the Indian child, if—

''(A) known after inquiry of—

''(i) the birth parent placing the child or relinquishing parental rights; and

''(ii) the other birth parent (if available); or

''(B) otherwise ascertainable through other reasonable inquiry.

''(3) A list containing the name and address of each known extended family member (if any), that has priority in placement under section 105.

''(4) A statement of the reasons why the child involved may be an Indian child.

''(5) The names and addresses of the parties involved in any applicable proceeding in a State court.

''(6)(A) The name and address of the State court in which a proceeding referred to in paragraph (5) is pending, or will be filed; and

''(B) the date and time of any related court proceeding that is scheduled as of the date on which the notice is provided under this subsection.

''(7) If any, the tribal affiliation of the prospective adoptive parents.

''(8) The name and address of any public or private social service agency or adoption agency involved.

''(9) An identification of any Indian tribe with respect to which the Indian child or parent may be a member.

''(10) A statement that each Indian tribe identified under paragraph (9) may have the right to intervene in the proceeding referred to in paragraph (5).

''(11) An inquiry concerning whether the Indian tribe that receives notice under subsection (c) intends to intervene under subsection (e) or waive any such right to intervention.

''(12) A statement that, if the Indian tribe that receives notice under subsection (c) fails to respond in accordance with subsection (e) by the applicable date specified in that subsection, the right of that Indian tribe to intervene in the proceeding involved shall be considered to have been waived by that Indian tribe.''.

SEC. 8. INTERVENTION BY INDIAN TRIBE.

Section 103 (25 U.S.C. 1913) is amended by adding at the end the following new subsections:

''(e)(1) The Indian child's tribe shall have the right to intervene at any time in a voluntary child custody proceeding in a State court only if—

''(A) in the case of a voluntary proceeding to terminate parental rights, the Indian tribe filed a notice of intent to intervene or a written objection to the termination, not later than 30 days after receiving notice that was provided in accordance with the requirements of subsections (c) and (d); or

''(B) in the case of a voluntary adoption proceeding, the Indian tribe filed a notice of intent to intervene or a written objection to the adoptive placement, not later than the later of—

''(i) 90 days after receiving notice of the adoptive placement that was provided in accordance with the requirements of subsections (c) and (d); or

''(ii) 30 days after receiving a notice of the voluntary adoption proceeding that was provided in accordance with the requirements of subsections (c) and (d).

''(2)(A) Except as provided in subparagraph (B), the Indian child's tribe shall have the right to intervene at any time in a voluntary child custody proceeding in a State court in any case in which the Indian tribe did not receive written notice provided in accordance with the requirements of subsections (c) and (d).

''(B) An Indian tribe may not intervene in any voluntary child custody proceeding in a State court if the Indian tribe gives written notice to the State court or any party involved of—

''(i) the intent of the Indian tribe not to intervene in the proceeding; or

''(ii) the determination by the Indian tribe that—

''(I) the child involved is not a member of, or is not eligible for membership in, the Indian tribe; or

''(II) neither parent of the child is a member of the Indian tribe.

''(3) If an Indian tribe files a motion for intervention in a State court under this subsection, the Indian tribe shall submit to the court, at the same time as the Indian tribe files that motion, a certification that includes a statement that documents, with respect to the Indian child involved, the membership or eligibility for membership of that Indian child in the Indian tribe under applicable tribal law.

''(f) Any act or failure to act of an Indian tribe under subsection (e) shall not—

''(1) affect any placement preference or other right of any individual under this Act;

''(2) preclude the Indian tribe of the Indian child that is the subject of an action taken by the Indian tribe under subsection (e) from intervening in a proceeding concerning that Indian child if a proposed adoptive placement of that Indian child is changed after that action is taken; or

''(3) except as specifically provided in subsection (e), affect the applicability of this Act.

''(g) Notwithstanding any other provision of law, no proceeding for a voluntary termination of parental rights or adoption of an Indian child may be conducted under applicable State law before the date that is 30 days after the Indian child's tribe receives notice of that proceeding that was provided in accordance with the requirements of subsections (c) and (d).

''(h) Notwithstanding any other provision of law (including any State law)—

''(1) a court may approve, if in the best interests of an Indian child, as part of an adoption decree of that Indian child, an agreement that states that a birth parent, an extended family member, or the Indian child's tribe shall have an enforceable right of visitation or continued contact with the Indian child after the entry of a final decree of adoption; and

''(2) the failure to comply with any provision of a court order concerning the continued visitation or contact referred to in paragraph (1) shall not be considered to be grounds for setting aside a final decree of adoption.''.

SEC. 9. FRAUDULENT REPRESENTATION.

Title I of the Indian Child Welfare Act of 1978 is amended by adding at the end the following new section:

''SEC. 114. FRAUDULENT REPRESENTATION.

''(a) IN GENERAL.—With respect to any proceeding subject to this Act involving an Indian child or a child who may be considered to be an Indian child for purposes of this Act, a person, other than a birth parent of the child, shall, upon conviction, be subject to a criminal sanction under subsection (b) if that person knowingly and willfully—

''(1) falsifies, conceals, or covers up by any trick, scheme, or device, a material fact concerning whether, for purposes of this Act—

''(A) a child is an Indian child; or

''(B) a parent is an Indian; or

''(2)(A) makes any false, fictitious, or fraudulent statement, omission, or representation; or

''(B) falsifies a written document knowing that the document contains a false, fictitious, or fraudulent statement or entry relating to a material fact described in paragraph (1).

''(b) CRIMINAL SANCTIONS.—The criminal sanctions for a violation referred to in subsection (a) are as follows:

''(1) For an initial violation, a person shall be fined in accordance with section 3571 of title 18, United States Code, or imprisoned not more than 1 year, or both.

''(2) For any subsequent violation, a person shall be fined in accordance with section 3571 of title 18, United States Code, or imprisoned not more than 5 years, or both.''.●

Mr. CAMPBELL. Mr. President, as Chairman of the Committee on Indian Affairs, today I join Senator MCCAIN in introducing the Indian Child Welfare Act Amendments of 1997. This legislation will amend the 1978 Indian Child Welfare Act [ICWA] and will serve the best interests of Indian children across the United States in the process. The ICWA is a procedural statute and this legislation clarifies and strengthens the procedures contained in it. The bill strengthens the statute by providing certainty, stability, and finality to adoptions and other placements involving Indian children.

In the 104th Congress, this legislation received the support of parties affected by and knowledgeable of ICWA-related adoptions: tribal organizations, and non-Indian adoption attorneys. The bill I am cosponsoring today addresses the major concerns of these parties in a way that strengthens the existing ICWA, and provides certainty and finality to non-Indian adoptive families. Most important, this bill serves the best interests of Indian children and enhances the integrity of Indian families.

Adoption and child custody proceedings are delicate and emotional matters for all involved: for the Indian child; for the birth parents; for the Indian tribe; and for the adoptive parents. My own experience as a youth is helpful in providing a context for ICWA and why it was enacted. I grew up in California, many miles from the Northern Cheyenne Reservation in Montana where my tribe and relatives lived. I am lucky in that even though I was not raised on the reservation, I still cling to my tribal identity, my culture, and the spiritual traditions that make me a member of the Northern Cheyenne Tribe. Many Indian youth are not so lucky, and once removed from their Indian families, tribes and cultures, never regain what they have lost.

The 1978 statute has worked well since its inception, and the reasons it was introduced are crucial to understanding the act and the legislation we introduce today. After exhaustive congressional testimony and many years of hard work the Indian Child Welfare Act was enacted in 1978. Prior to 1978 there were no available protections for Indian children, families, or tribes in situations involving the unwarranted and forced removal of Indian children from their families, tribes, and rich cultures. The cold fact is that prior to ICWA between 25 percent and 35 percent of all Indian children were separated from their families and given to adoptive families or placed in foster care or in institutions.

Through exhaustive hearings prior to enactment of the 1978 act, the Congress realized that at the staggering rate of Indian child removal, it would have been simply a matter of time before Indian families and tribes would literally be sapped of their futures—their precious children.

The ICWA is procedural in nature and is designed to protect the best interests of Indian children by reinforcing the strong interests Indian families and tribes have in maintaining their relationships with their children. The act also recognizes that tribal authorities and tribal courts are the appropriate authorities over Indian adoptions and placements. Just as we in the majority often speak of maintaining families and traditions and of respecting the rights of local governments, this act is one of the few Indian statutes that actually does both.

Non-Indian institutions, including State courts, do not and cannot completely understand the unique culture and relationships that make up tribal life. Because they cannot know these facts and these relationships, they should not be given authority to make child custody decisions involving Indian children. Practically, State authorities are not in a position to make these decisions. Legally, they should not be allowed to make these decisions. The right of any sovereign nation, including Indian nations, includes the right to determine who is and who is not a member or citizen. The legislation we introduce today preserves those most basic rights of Indian tribes: tribal self-preservation and self-determination.

Mr. President, I want to say a word about adoptive parents and families. The decision to adopt a child or children is one that is done out of the noblest motives, and with much love and affection. It is often a process fraught with many obstacles, both emotional and financial. I have nothing but the greatest respect and admiration for adoptive parents. This legislation will provide adoptive parents with the security they sometimes lack under current law. The bill will provide what many have complained of: finality and security in cases involving Indian children. For the past several years, there have been highly publicized cases involving Indian children and what some felt were late interventions by tribes in these proceedings.

By strengthening the procedures of ICWA this bill will make cases like the ones we saw last year a thing of the past. Parties seeking placement of Indian children would be required to file detailed notices with the tribe that includes biographical information on the child, as well as information regarding the rights of the tribe in responding to the notice. With the notice in hand, the

tribe must decide if it wants to intervene or not, and to inform the party seeking placement of its intentions.

By requiring tribes to file written notice of intervention and providing time limits within which tribes can intervene in proceedings, adoptive parents can be assured that they will not face the prospect of having final or near final. These procedural demands are not unduly burdensome and fall equally on both the parties seeking placement and tribal governments.

The truth is that many of these inflammatory and well-publicized cases involved unethical attorneys and other adoption professionals who advised their Indian clients to conceal or not reveal their Indian heritage in an effort to expedite the adoption. Because ICWA-related adoptions and proceedings involve procedural requirements, some attorneys and professionals seek to cut corners and save time and money. Not only is this shortsighted, but is damaging to all parties involved in an adoption or custody proceeding.

By expediting these adoptions, the attorneys interests were served. But what about the Indian children, Indian families, Indian tribes, and non-Indian adoptive families?

As we have seen, these people have had to endure long, bitter, and costly court battles some of which continue to this day. The legislation we introduce today will provide tough civil and criminal penalties to any person that willfully falsifies facts regarding whether a child is Indian or whether a parent is Indian; makes false or fraudulent statements; or falsifies documents containing facts related to the proceeding.

These provisions are not radical notions. They simply provide that if you are involved in an ICWA-related proceeding, and if you do not want to lose your money and your freedom, follow the law. No good adoption attorney worth his salt will fear these penalties if he or she follows the law and is forthright with the facts.

I urge my colleagues to join in enacting this crucial legislation to bring stability and certainty to adoptions and other proceedings involving Indian children.●

By Mr. NICKLES (for himself, Mr. BREAUX, Mr. MACK, Mr. BAUCUS, Mr. D'AMATO, Mr. BOND, Mr. DEWINE, Mr. COCHRAN, Mr. ENZI, Mr. HAGEL, AND MR. THOMAS):

S. 570. A bill to amend the Internal Revenue Code of 1986 to exempt certain small businesses from the mandatory electronic fund transfer system; to the Committee on Finance.

MANDATORY ELECTRONIC FUND TRANSFER SYSTEM LEGISLATION

Mr. NICKLES. Mr. President, today, I am introducing legislation with my colleague from Louisiana, Senator BREAUX, to address the ever-recurring problem of Federal mandates on small business. Our bill will prohibit the Internal Revenue Service from forcing thousands of small businesses to deposit payroll taxes by electronic funds transfer under threat of penalty. In addition to Senator BREAUX, I would like to thank several other Senators who have agreed to cosponsor this legislation, including Senator MACK, Senator BAUCUS, Senator D'AMATO, Senator BOND, Senator DEWINE, Senator COCHRAN, and Senator ENZI.

Legislation enacted in 1993 to implement the North American Free-Trade Agreement directed the IRS to begin collecting a progressively larger percentage of payroll tax deposits from employers by electronic funds transfer, in lieu of the Federal tax deposit coupon system. Congress' intent was to simplify the tax deposit system and reduce paperwork for taxpayers, financial institutions, and the IRS. The Senate report accompanying this bill recommended that the implementation of this mandate not create hardships for small businesses, and that no small business should be required to purchase computers or gain access to any electronic equipment other than a touch-tone telephone. Further, the report urged Treasury to take into account the specific needs of small employers, including possible exemption for the very smallest businesses from the electronic deposit system.

Unfortunately, the IRS has done little to mitigate the impact on small business. Instead, they sent notices to 1.2 million small businesses last summer stating that they must begin using the new electronic Federal tax payment System, or EFTPS, to make payroll tax deposits on January 1, 1997. Further, the IRS told these taxpayers that continued use of the Federal tax deposit coupon system would result in penalties equal to 10 percent of each deposit. The IRS targeted this mandate on any business which deposited more than $50,000 in payroll taxes in 1995. Prior to this time, the threshold for mandatory electronic deposits was $47 million. If the IRS is not stopped, Mr. President, the threshold will drop to $20,000 next year.

The reaction from the small business community to this mandate last year was adverse and vocal, Mr. President. Fortunately, Congress acted to delay the EFTPS mandate until July 1, 1997. However, that date is quickly approaching, and thousands of small business owners are no more comfortable with the mandate now than they were last year. Business owners who have used the coupon system for years to diligently pay their taxes on time are incensed to learn that they can be forced from that system against their will. Some fear IRS access to their bank accounts, and others fear the additional costs which may arise if their bank begins charging fees for these transactions. Finally, many small businesses are discovering that their current bank does not participate fully in the electronic transaction system.

Mr. President, small business owners should not have a new tax deposit system forced down their throats without alternatives and without enough time or information to make an orderly transition to the new system. Further, they should not be forced to incur fees or other additional costs in order to pay their taxes. While I agree that many taxpayers will come to prefer an electronic deposit system, I do not believe such a change should be mandated under threat of penalty. If a small business prefers to use the coupon system and continues to pay their taxes on time, they should not be penalized for doing so.

Mr. President, the legislation Senator BREAUX and I are introducing today will phase in the requirement to pay depository taxes electronically in manageable increments and exempt most small businesses permanently. Under our bill, only businesses who annually deposit over $5 million in payroll taxes will ever be mandated to use the electronic deposit system. Further, the bill directs the Secretary of the Treasury to establish a program to encourage all business taxpayers to voluntarily participate in the electronic deposit system.

Enactment of this legislation will free small business owners from yet another heavyhanded Federal mandate and preserve their right to pay their taxes in a manner which best suits their business needs. I encourage all Senators to join in this effort.

Mr. President, again I wish to thank the Presiding Officer of the Senate at this time, the Senator from Wyoming, for cosponsoring this legislation. I also ask unanimous consent that Senator HAGEL be added as an original cosponsor.

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

Mr. NICKLES. Mr. President, to summarize again for the benefit of my colleagues, effective July 1, if we do not change this current—I started to say ''law,'' but this is not a law. The IRS came up with a regulation. We passed a law. Congress passed a law that says we want to encourage electronic fund transfers of payroll taxes. A good idea. It makes sense. It will work for a lot of people.

IRS, to implement this, and maybe with some direction of Congress—Congress said put most of the taxpayers in. The IRS did so, and then they came up with a 10-percent penalty. That is a big inducement, encouragement. Congress did not put on the 10-percent penalty; the IRS did—it puts a gun to the taxpayer's head—and then said, ''You have to do this.'' Then they said, ''This is not too much of a challenge for bigger employers.'' As a matter of fact, the current requirement, the threshold is $47 million of payroll taxes. If you have payroll taxes of $47 million, that is a big operation. And they are doing that now. That actually applies to 1,500 taxpayers in the country today.

The next threshold level drops from $47 million to $50,000. Now you are talking about a lot of companies. You

are talking about a lot of businesses. You do not have to be very big to have payroll taxes of $50,000. You might have total payroll of a quarter of a million or $300,000. That deadline is July 1. It was to be January 1. We postponed it for 6 months.

The legislation we have introduced today, it phases down the $47 million threshold to $30 million, to $10 million, to $5 million, and says, ''If you have payroll taxes of less than $5 million, you do not have to do this. You can still do it, you still have the option to do it.''

I met with some representatives from the IRS. They said, ''We are concerned, if we pass this legislation, a lot of people might not get into the system. Maybe that would not be fair for the people already in the system.''

I said I want them to have the option. In our legislation, we want to encourage people to move into the electronic fund transfer. We think that would be good. A lot of people pay their home notes—I do that. When I pay my home mortgage, I do it by electronic fund transfer where you used to have the coupon system. I am happy with that. I think a lot of taxpayers will be happy paying payroll taxes this way, and we want this to be an option.

We want to eliminate the 10-percent penalty for noncompliance, especially for small business.

So that is what we have done. I ask unanimous consent Senator THOMAS also be included as an original cosponsor.

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

Mr. NICKLES. Mr. President, I ask unanimous consent to have printed in the RECORD immediately following my statement a copy of this legislation and, in addition to the legislation, a letter from the Small Business Legislative Council and a letter from the National Restaurant Association endorsing the bill.

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

S. 570

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

(a) IN GENERAL.—Section 6302(h)(2) of the Internal Revenue Code of 1986 (relating to use of electronic fund transfer system for collection of certain taxes) is amended to read as follows:

''(2) TAXPAYERS SUBJECT TO SYSTEM.—

''(A) IN GENERAL.—The regulations referred to in paragraph (1) shall only require taxpayers to use the electronic funds transfer system for a calendar year if the aggregate amount of depository taxes of such taxpayer for the second preceding calendar year exceeded the applicable dollar amount.

''(B) APPLICABLE DOLLAR AMOUNT.—For purposes of subparagraph (A)—

''If the 2d preceding calendar year is:	The applicable dollar amount is:
1995	$47,000,000
1996	30,000,000
1997	20,000,000
1998	10,000,000
1999 or later	5,000,000.

''(C) AGGREGATION RULE.—All persons treated as a single employer under subsections (a) and (b) of section 52 shall be treated as a single taxpayer for purposes of subparagraph (A).

''(D) VOLUNTARY COMPLIANCE.—The Secretary shall encourage taxpayers not described in subparagraph (A) to participate in the electronic funds transfer system. The participation of such taxpayers shall be voluntary.''

(b) CONFORMING AMENDMENT.—Section 6302(h)(4) of such Code is amended to read as follows:

''(4) COORDINATION WITH OTHER ELECTRONIC FUND TRANSFER REQUIREMENTS.—Under regulations, any tax required to be paid by electronic fund transfer under section 5061(e) or 5703(b) shall be paid in such a manner as to ensure that the requirements of the second sentence of paragraph (1)(A) are met.''

(c) REPORTS.—The Secretary of the Treasury or his delegate shall submit annual reports to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives. Such reports shall provide an analysis of the progress being made in implementing the electronic funds transfer system under section 6302(h) of the Internal Revenue Code of 1986, including, but not limited to, information with respect to—

(1) the number and nature of any penalties imposed on taxpayers due to noncompliance with such system,

(2) any administrative efficiencies accruing to the Federal Government by reason of such system, and

(3) the amount of any additional costs imposed on businesses to comply with such system.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to deposits required to be made on and after the date of the enactment of this Act.

NATIONAL RESTAURANT ASSOCIATION,
Washington, DC, April 14, 1997.

Senator DON NICKLES,
Assistant Majority Leader,
Washington, DC.

DEAR SENATOR NICKLES: On behalf of the 770,000 restaurant locations nationwide, we would like to thank you and Senator Breaux for introducing legislation to help reduce the regulatory burden on our nation's employers.

As part of a revenue-raising provision in NAFTA, our members were mandated to begin filing payroll taxes electronically over a five year phase-in period. Starting July 1, all businesses that deposit over $50,000 in federal payroll taxes will have to start wiring their tax deposits to the Internal Revenue Service. This is the first phase-in that will truly affect the small businesses, including thousands of restaurant owners. For months, the National Restaurant Association and other employer groups have been warning the government that many businesses don't know about the mandate and could face penalties beginning in July for not complying.

We strongly support this bipartisan legislation which will allow small businesses the option of filing electronically, and will provide a reasonable phase-in of the mandate for larger businesses. Thank you for your leadership on this issue.

Sincerely,

ELAINE Z. GRAHAM,
Senior Vice President,
Government Affairs and Membership.
KATHLEEN O'LEARY,
Legislative Representative.

SMALL BUSINESS
LEGISLATIVE COUNCIL,
Washington, DC, April 14, 1997.

Hon. DON NICKLES,
U.S. Senate,
Washington, DC.

DEAR SENATOR NICKLES: On behalf of the members of the Small Business Legislative Council (SBLC), I wish to commend your efforts to address the concerns of the small business community with respect to the Electronic Federal Tax Payment System (EFTPS).

The EFTPS has proven to be a source of great frustration for us. On one hand, we applaud the movement towards an electronic funds transfer system. Any small business owner can vouch for the inherent flaws in the current paper coupon-based deposit system. Errors and inadvertent late payments are still all too frequent. And, while the IRS has become more reasonable in ultimately absolving small businesses of blame, it is difficult to turn off the IRS paper spigot. It can take several unnecessary exchanges to resolve the problem.

The electronic age is upon us and, ultimately, most small businesses will embrace it fully. But the small business community is not ready yet and, more importantly, neither is the technology and structure to implement this concept. As you know, we secured one delay in implementation in the hopes everything would work out.

It appears we still have a long way to go, and until such time as the small business community's confidence is secured, it appears a voluntary approach is in everyone's best interest. If the technology does work, it would seem foolish for small business' owners not to embrace it. But, rather than work everyone up into a ''tizzy'' as each new deadline approaches, it may be better to take the longer view, and make sure everyone comes on-board at their own pace and comfort level. We'd rather see the program make it on its own merits. And it does have merit, if done properly.

Therefore, we support your effort. Once again, you have demonstrated your strong commitment to small business.

As you know, The Small Business Legislative Council (SBLC) is a permanent, independent coalition of nearly one hundred trade and professional associations that share a common commitment to the future of small business. Our members represent the interests of small businesses in such diverse economic sectors as manufacturing, retailing, distribution, professional, and technical services, construction, transportation, tourism, and agriculture. For your information, a list of our members is enclosed.

Sincerely,

BENHAMIN Y. COOPER,
Chairman.

Mr. BAUCUS. Mr. President, I am very pleased today to join my colleagues Senator NICKLES and Senator BREAUX in introducing legislation to help support America's small businesses. This bill will address the problem created for the small business community by the Internal Revenue Services' requirement that they convert to a system of depositing payroll taxes by electronic funds transfer.

IRS has been implementing legislation directing the agency to begin collecting a progressively larger percentage of Federal tax deposits from employers by electronic funds transfer, rather than the current Federal tax deposit coupon system. The intent behind the legislation was to simplify the tax

deposit system and reduce paperwork for taxpayers, financial institutions, and the Internal Revenue Service itself. The Senate report accompanying the bill recommended that the implementation of this mandate not create hardships for small businesses, and that no small business should be required to purchase computers or gain access to any electronic equipment other than a touch-tone telephone. The report also urged Treasury to take into account the specific needs of small employers, including possible exemption for the very smallest businesses from the electronic deposit system.

We do not believe the Treasury Department has accomplished this goal. While a timetable for compliance has been established, there is little evidence that the concerns of the small business community have been alleviated as July 1, 1997, the deadline for implementation, draws near. Business owners who have used the coupon system for years to diligently pay their taxes on time do not understand why they are being required to convert to an electronic funds transfer system. Many small business owners I have spoken with in Montana fear IRS access to their bank accounts, particularly in light of recent reported incidences of IRS employee browsing through taxpayer records without a valid reason. Other small business owners are concerned, and not unreasonably, that banks may begin charging fees for these transactions, adding to their costs of doing business. Finally, many small businesses are discovering that their current banks do not even participate fully in the electronic transfer system, forcing them to find a new bank through which to send in their deposit payments.

Mr. President, I agree with my colleagues that small businesses have not been given enough time or information to make an orderly transition to the new electronic funds transfer system. I also agree that they should not be required to pay a fee in order to pay their taxes. The bill we are introducing today will exempt businesses who annually deposit under $5 million in payroll taxes from the electronic payment requirement permanently, and phase it in for the rest at a much more manageable rate.

I believe this bill will preserve the right of small business owners to pay their taxes in a manner which best suites their business needs. I commend Senators NICKELS and BREAUX for the work they have done on this bill, and encourage our other colleagues to join in our effort.

By Mr. REID:

S. 571. A bill to establish a uniform poll closing time throughout the continental United States for Presidential general elections; to the Committee on Rules and Administration.

THE UNIFORM POLL CLOSING ACT OF 1997

Mr. REID. Mr. President, today I am introducing legislation which will set a uniform poll closing time for the continental United States. Election officials and political scientists for years have believed that early announcements, based on exit polls, discourage thousands of people from voting and affect the outcome of close races for other Federal, State and local offices. Less than 50 percent of eligible voters actually voted last year. As public officials, we have a responsibility to do everything we can to encourage voting, not dissuade it. Uniform poll closing times is a step in this direction.

We are all aware that the controversy over early network projections is not a new one. Senator Barry Goldwater introduced a bill after the 1960 election prohibiting radio broadcast of any Presidential election returns until after midnight on election day. Network predictions 4 years later of Goldwater's landslide loss, and of Richard Nixon's landslide victory in 1972, spawned several Senate bills to muzzle radio and television. But none were enacted.

In 1980, when new technology made it unnecessary for networks to wait for actual returns, the furor over early projections was brought to its highest pitch. In that year, voters in the West were told at 5 p.m., hours before their polls closed, who the next President of the United States would be. The three major networks trumpeted Ronald Reagan's victory long before the polls had closed in their States. After the election, our colleagues, Representatives Tim Wirth and Al Swift began a congressional search for a way to prevent early calls of elections. Numerous ideas were discussed as solutions to the problem of early projections based on exit polls, but there was no consensus. In addition to uniform poll closing times, shifting election day to Sunday, spreading voting over 2 days, making election day a national holiday and forbidding the networks from issuing predictions were proposed. Of course the best solution would be voluntary restraint on the part of the networks, but that has proven to be a failure.

My legislation simply states that each polling place in the continental United States must close, with respect to a Presidential general election, at 10 p.m. eastern standard time. This means the polls with close at 7 p.m. Pacific time, 8 p.m. mountain time and 9 p.m. central time. I do not believe these times are unreasonable. It is my hope that this legislation will revive the debate over the use of exit polls. I welcome my colleagues to work with me for a solution.

ADDITIONAL COSPONSORS

S. 11

At the request of Mr. SARBANES, his name was added as a cosponsor of S. 11, a bill to reform the Federal election campaign laws applicable to Congress.

S. 39

At the request of Mr. STEVENS, the names of the Senator from Rhode Island [Mr. CHAFEE] and the Senator from Arkansas [Mr. BUMPERS] were added as cosponsors of S. 39, a bill to amend the Marine Mammal Protection Act of 1972 to support the International Dolphin Conservation Program in the eastern tropical Pacific Ocean, and for other purposes.

S. 224

At the request of Mr. WARNER, the name of the Senator from North Carolina [Mr. FAIRCLOTH] was added as a cosponsor of S. 224, a bill to amend title 10, United States Code, to permit covered beneficiaries under the military health care system who are also entitled to Medicare to enroll in the Federal Employees Health Benefits Program, and for other purposes.

S. 238

At the request of Mr. GRAMS, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 238, a bill to amend title XVIII of the Social Security Act to ensure Medicare reimbursement for certain ambulance services, and to improve the efficiency of the emergency medical system, and for other purposes.

S. 248

At the request of Mrs. FEINSTEIN, the names of the Senator from Nevada [Mr. BRYAN], the Senator from Washington [Mrs. MURRAY], the Senator from Massachusetts [Mr. KENNEDY], and the Senator from Hawaii [Mr. INOUYE] were added as cosponsors of S. 248, a bill to establish a Commission on Structural Alternatives for the Federal Courts of Appeals.

S. 263

At the request of Mr. MCCONNELL, the name of the Senator from Wyoming [Mr. THOMAS] was added as a cosponsor of S. 263, a bill to prohibit the import, export, sale, purchase, possession, transportation, acquisition, and receipt of bear viscera or products that contain or claim to contain bear viscera, and for other purposes.

S. 311

At the request of Mr. GRAHAM, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 311, a bill to amend title XVIII of the Social Security Act to improve preventive benefits under the Medicare Program.

S. 342

At the request of Mr. THOMAS, the name of the Senator from Nebraska [Mr. HAGEL] was added as a cosponsor of S. 342, a bill to extend certain privileges, exemptions, and immunities to Hong Kong Economic and Trade Offices.

S. 356

At the request of Mr. GRAHAM, the name of the Senator from Louisiana [Mr. BREAUX] was added as a cosponsor of S. 356, a bill to amend the Internal Revenue Code of 1986, the Public Health Service Act, the Employee Retirement Income Security Act of 1974, the title XVIII and XIX of the Social Security Act to assure access to emergency medical services under group

health plans, health insurance coverage, and the Medicare and Medicaid Programs.

S. 369

At the request of Mr. JEFFORDS, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 369, a bill to amend section 1128B of the Social Security Act to repeal the criminal penalty for fraudulent disposition of assets in order to obtain Medicaid benefits added by section 217 of the Health Insurance Portability and Accountability Act of 1996.

S. 370

At the request of Mr. GRASSLEY, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of S. 370, a bill to amend title XVIII of the Social Security Act to provide for increased Medicare reimbursement for nurse practitioners and clinical nurse specialists to increase the delivery of health services in health professional shortage areas, and for other purposes.

S. 371

At the request of Mr. GRASSLEY, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of S. 371, a bill to amend title XVIII of the Social Security Act to provide for increased Medicare reimbursement for physician assistants, to increase the delivery of health services in health professional shortage areas, and for other purposes.

S. 375

At the request of Mr. MCCAIN, the names of the Senator from Florida [Mr. MACK], the Senator from Arkansas [Mr. HUTCHINSON], the Senator from Delaware [Mr. BIDEN], and the Senator from Massachusetts [Mr. KERRY] were added as cosponsors of S. 375, a bill to amend title II of the Social Security Act to restore the link between the maximum amount of earnings by blind individuals permitted without demonstrating ability to engage in substantial gainful activity and the exempt amount permitted in determining excess earnings under the earnings test.

S. 381

At the request of Mr. ROCKEFELLER, the name of the Senator from Arkansas [Mr. BUMPERS] was added as a cosponsor of S. 381, a bill to establish a demonstration project to study and provide coverage of routine patient care costs for Medicare beneficiaries with cancer who are enrolled in an approved clinical trial program.

S. 389

At the request of Mr. ABRAHAM, the names of the Senator from Oklahoma [Mr. INHOFE] and the Senator from Wyoming [Mr. THOMAS] were added as cosponsors of S. 389, a bill to improve congressional deliberation on proposed Federal private sector mandates, and for other purposes.

S. 474

At the request of Mr. KYL, the name of the Senator from Connecticut [Mr. LIEBERMAN] was added as a cosponsor of S. 474, a bill to amend sections 1081 and 1084 of title 18, United States Code.

S. 502

At the request of Mr. GRASSLEY, the name of the Senator from Arkansas [Mr. HUTCHINSON] was added as a cosponsor of S. 502, a bill to amend title XIX of the Social Security Act to provide posteligibility treatment of certain payments received under a Department of Veterans Affairs pension or compensation program.

S. 503

At the request of Mr. NICKLES, the name of the Senator from Arkansas [Mr. HUTCHINSON], the Senator from New Hampshire [Mr. SMITH], and the Senator from Alabama [Mr. SHELBY] were added as cosponsors of S. 503, a bill to prevent the transmission of the human immunodeficiency virus, commonly known as HIV, and for other purposes.

S. 528

At the request of Mr. CAMPBELL, the names of the Senator from Illinois [Ms. MOSELEY-BRAUN], the Senator from Georgia [Mr. CLELAND], the Senator from Virginia [Mr. WARNER], the Senator from Maine [Ms. COLLINS], and the Senator from New Jersey [Mr. TORRICELLI] were added as cosponsors of S. 528, a bill to require the display of the POW/MIA flag on various occasions and in various locations.

S. 535

At the request of Mr. MCCAIN, the name of the Senator from Maine [Ms. SNOWE] was added as a cosponsor of S. 535, a bill to amend the Public Health Service Act to provide for the establishment of a program for research and training with respect to Parkinson's disease.

S. 536

At the request of Mr. GRASSLEY, the name of the Senator from Vermont [Mr. LEAHY] was added as a cosponsor of S. 536, a bill to amend the National Narcotics Leadership Act of 1988 to establish a program to support and encourage local communities that first demonstrate a comprehensive, long-term commitment to reduce substance abuse among youth, and for other purposes.

SENATE JOINT RESOLUTION 9

At the request of Mr. KYL, the names of the Senator from Texas [Mr. GRAMM] and the Senator from Kentucky [Mr. MCCONNELL] were added as cosponsors of Senate Joint Resolution 9, a joint resolution proposing an amendment to the Constitution of the United States to require two-thirds majorities for increasing taxes.

SENATE JOINT RESOLUTION 18

At the request of Mr. HOLLINGS, the name of the Senator from Georgia [Mr. CLELAND] was added as a cosponsor of Senate Joint Resolution 18, a joint resolution proposing an amendment to the Constitution of the United States relating to contributions and expenditures intended to affect elections.

SENATE JOINT RESOLUTION 25

At the request of Mr. COCHRAN, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of Senate Joint Resolution 25, a joint resolution disapproving the rule of the Occupational Safety and Health Administration relating to occupational exposure to methylene chloride.

SENATE RESOLUTION 58

At the request of Mr. ROTH, the name of the Senator from Nebraska [Mr. HAGEL] was added as a cosponsor of Senate Resolution 58, a resolution to state the sense of the Senate that the Treaty of Mutual Cooperation and Security Between the United States of America and Japan is essential for furthering the security interests of the United States, Japan, and the countries of the Asia-Pacific region, and that the people of Okinawa deserve recognition for their contributions toward ensuring the treaty's implementation.

SENATE RESOLUTION 69

At the request of Mr. MCCAIN, the names of the Senator from Vermont [Mr. JEFFORDS], and the Senator from Massachusetts [Mr. KENNEDY] were added as cosponsors of Senate Resolution 69, a resolution expressing the sense of the Senate regarding the March 30, 1997, terrorist grenade attack in Cambodia.

SENATE RESOLUTION 71—RELATIVE TO THE CONGRESSIONAL ACCOUNTABILITY ACT

Mr. WYDEN (for himself, Mr. REID, Mr. WELLSTONE, Mr. MURKOWSKI, and Mr. BRYAN) submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. Res. 71

Resolved, That (a) an individual with a disability (as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102)) who has or is granted the privilege of the Senate floor may bring those supporting services (including service dogs, wheelchairs, and interpreters) on the Senate floor the employing or supervising office determines are necessary to assist the disabled individual in discharging the official duties of his or her position.

(b) The employing or supervising office of a disabled individual shall administer the provisions of this resolution.

Mr. WYDEN. Mr. President, the resolution that I submit today would change the Senate rules that deny floor access to those individuals who are visually impaired and need to use guide dogs to carry out their official duties.

By denying floor access to Ms. Shea and her guide dog, the Senate, in my view, is violating the Congressional Accountability Act, which requires that Congress abide by the requirements and intent of the Americans With Disabilities Act. A guide dog is a person's vision. A guide dog is a working dog, not a pet. This guide dog is with Ms. Shea all the time. He is with her in meetings in my office. He goes with her to energy committee hearings and has even gone with her to nuclear weapons facilities.

Mr. President and colleagues, I had hoped that there would be no need to

offer this resolution, but I am forced to because discrimination still persists here. Ms. Shea is being treated differently simply because she is visually impaired and needs to use a guide dog.

Now, some may believe that the Senate fulfills its obligations under the Americans With Disabilities Act—

Mr. REID. Will my friend yield for a unanimous-consent request?

Mr. WYDEN. Yes.

Mr. REID. I ask unanimous consent that I be added as a cosponsor of the Senator's resolution.

Mr. WELLSTONE. Mr. President, I also ask unanimous consent that I be made a cosponsor.

Mr. MURKOWSKI. I ask unanimous consent that I also be added as a cosponsor to the resolution.

The PRESIDING OFFICER. Without objection, the Senators will be added as cosponsors.

Mr. WYDEN. I thank my colleagues.

Mr. President, some believe that the Senate is fulfilling its obligations under the Americans With Disabilities Act if they provide someone to accompany Ms. Shea to the Senate floor. But let me say that an unknown staff person is no substitute for a working guide dog.

The relevant language from the Americans With Disabilities Act says that an employer must provide reasonable accommodation for an individual with a disability. The Equal Employment Opportunity Office has said, ''reasonable accommodation [is] when an employer permits a person who is blind to use a guide dog at work.''

Let us put ourselves in Ms. Shea's situation. Imagine that you need to go on the Senate floor to carry out your official duties, but, wait, you must first check your ability to see with the doorkeeper, or go to the Rules Committee to get a resolution. I fail to see the logic of this, and I fail to see the justice behind it. Miss Shea's situation doesn't require extra financial resources nor special treatment. She just wants to do her job as a professional.

A large part of the problem seems to be a lack of understanding. So let me tell the Senate a little bit about what guide dogs do. They are working dogs, not pets. A guide dog is that person's vision, an integral part of that person's essential activities and professional responsibilities. A blind person or a visually impaired person, such as Ms. Shea, has learned to turn over her diminishing sight to her dog and trusts that dog with her safety. This guide dog has blocked Ms. Shea from oncoming traffic. He knows his left from his right. He is a marker to others that Ms. Shea is visually impaired. She has gone to the Senate Energy Committee hearings and nuclear weapons facilities. This dog has even met more just access with respect to the Soviet Union.

Yet, here in the United States, on the Senate floor, where we passed the ADA and the Congressional Accountability Act, we are refusing access to someone who needs to use a guide dog. This guide dog has a serious job, and, I might add, the dog performs it very well. This is the tool that Ms. Shea uses to be a productive member of the work force, and today we are denying her the ability to do her job to the best of her ability. Ms. Shea is part of a growing work force of persons who want to be independent, who want to be productive, and who have been raised with a can-do attitude.

Let me conclude by describing how the guide dog would work on the floor. Ms. Shea would most likely tell him to ''follow me,'' and as they walked down the aisle, the dog would alert Ms. Shea to each step by stopping. Then Ms. Shea would say to him ''find the chair,'' and then Ms. Shea would sit down and the dog would lay right beside her. We would all forget that the dog was even here. In leaving, Ms. Shea would tell the dog to ''find the door'' once again, and the dog would alert her to where all the steps are and take her right to the door.

Mr. President, that is all there is to it. It seems to me that the Senate should change its rules to ensure that there is justice for people like Ms. Shea. To tell someone like Ms. Shea that she cannot come to the Senate floor with either a white cane or a guide dog and only with an escort is demeaning. You take away her right to decide what is the best method for her to carry out her job as a professional. You take away her sense of independence. You take away her dignity. You make her dependent on others. That is not what the Americans With Disabilities Act is all about.

Ms. Shea has Usher's Syndrome. That is the leading cause of deaf-blindness in the United States. She has struggled and worked hard to get where she is today as a professional. She is independent and self-sufficient, and she told me that she can cope with losing her eyesight, but she should not be forced to face blatant discrimination.

It is time for the Senate to change its rules. I look forward to working with my colleagues on the Rules Committee to do this. It is time to ensure that the visually impaired in our country have justice, and have justice in the way that Congress envisioned with the Americans With Disabilities Act and the Congress Accountability Act. I thank my friends from Minnesota, Nevada, and Alaska for joining me as cosponsors this morning on this resolution.

AMENDMENTS SUBMITTED

THE NUCLEAR WASTE POLICY ACT OF 1997

LOTT AMENDMENT NO. 44

Mr. MURKOWSKI (for Mr. LOTT, for himself and Mr. WELLSTONE) proposed an amendment to amendment No. 30 proposed by Mr. WELLSTONE to the bill (S. 104) to amend the Nuclear Waste Policy Act of 1982; as follows:

In the pending amendment, strike all after ''SEC. .'' and insert the following:

''SENSE OF THE SENATE REGARDING ASSISTANCE FOR ELDERLY AND DISABLED LEGAL IMMIGRANTS.

''It is the sense of the Senate that elderly and disabled legal immigrants who are unable to work should receive assistance essential to their well-being, and that the President, Congress, and States, and faith-based and other organizations should continue to work together toward that end.''

NOTICES OF HEARINGS

SUBCOMMITTEE ON IMMIGRATION

Mr. HATCH. Mr. President, there will be a hearing held by the Subcommittee on Immigration, Senate Committee on the Judiciary, on Tuesday, April 15, 1997, at 10:30 a.m., in room 226, Senate Dirksen Building, on ''Immigrant Entrepreneurs, Job Creation, and the American Dream.''

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LUGAR. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry will hold a full committee hearing on Thursday, April 24, 1997, at 9 a.m. in SR–328A to receive testimony regarding U.S. agricultural exports.

AUTHORITY FOR COMMITTEE TO MEET

COMMITTEE ON FINANCE

Mr. GRAMS. Mr. President, the Finance Committee requests unanimous consent to conduct a hearing on Monday, April 14, 1997, beginning at 1:30 p.m. in room 215 Dirksen.

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

ADDITIONAL STATEMENTS

RECOGNITION OF HOME EDUCATION IN MISSOURI

• Mr. BOND. Mr. President, it is my pleasure to recognize homeschoolers in the State of Missouri. They are a part of the ongoing commitment to quality education for Missouri's youth.

Home educators make an effort to give their children a chance for success in today's ever-changing society by personally guiding the education of their children and ensuring that all facets of their children's development are included in scholastic endeavors.

Homeschoolers establish one-on-one relationships with their adult mentors and develop interpersonal skills with all age groups through apprenticeship opportunities and involvement in civic and community organizations.

Home education in Missouri has enjoyed considerable success in recent years because of the tremendous support received for countless citizens who realize the significance of family participation in the educational process.

The State of Missouri has resolved to commend the efforts of home educators by designating May 4–10, 1997, Home Education Week. I applaud the home educators for their commitment to quality education and taking the time to be directly involved in their children's education.●

B–2 BOMBER

● Mr. INOUYE. Mr. President, today I want to address a very serious issue, which is at the heart of the defense of our Nation's interests. I want to address the need to acquire a meaningful long-range-strike weapons system. I want to address the procurement of nine more B–2 bombers, which are needed to complete a three-squadron fleet that will have the means to deter, the capabilities to defend against, and the power to defeat threats to our national interest.

I speak today in support of America's most capable long-range-strike aircraft, the B–2 bomber. The B–2 is not just a bomber. When most people think of bombers, they think of World War II airpower films, with scores of bombers flying in tight formation, dropping strings of iron bombs on rail lines and oil refineries. The B–2 is more than a bomber. It is a long-range-strike aircraft, capable of reaching anywhere in the world and releasing highly sophisticated, explosive weapons with uncommon precision on specific targets. Unlike the bombers of old, which often missed their targets by miles, the B–2 strike aircraft can hit as many as 16 separate aim points, with deadly accuracy, in a single pass.

Mr. President, it defies convention to think of the B–2, with its high sticker cost, as a cost-effective weapon. Only when we stop thinking of the B–2 as a bomber, and instead think of it as a long-range-strike weapons system, do we realize that it is, indeed, the most cost-effective weapons system in our Nation's arsenal which can realistically be used to protect our citizens, our interests, and our allies around the world. It is the only weapons system that combines long-range, large payload, modern precision weapons, and stealth—a revolutionary and powerful combination.

Since the end of the cold war, we have come to recognize that we no longer live in a bipolar world. Threats to our national security have taken on both familiar and unfamiliar forms: renewed territorial aggression, simmering regional and ethnic conflicts, state-sponsored terrorism, and now, for the first time since the Middle Ages, stateless terrorism. We send our forces abroad to protect air bases and oil fields and our sons and daughters are attacked by religious zealots. We all vividly recall the loss of life at our military barracks in Dhahran, Saudi Arabia. It was attacked, not by the Iraqi forces we seek to deter, but by nameless terrorists from Iran, or from Lebanon, or from internal Saudi opposition groups, or from God knows where. With the B–2, the forward air bases would not be needed; the oil fields could be protected from afar.

What happened when Saddam Hussein attacked the U.N.-protected Kurdish safe zone in northern Iraq? We attacked Baghdad and southern Iraq. Because the leadership in Jordan, in Saudi Arabia, in Turkey, and in other countries, where we have shorter range aircraft, was concerned with stirring up public opinion, United States forces were denied the freedom to launch counter strikes from air bases on their territory. With the B–2, we could have struck Saddam Hussein's forces in the North, from bases in the United States.

The Secretary of Defense stated in his annual report for fiscal year 1996: ''Because potential regional adversaries may be able to mount military threats against their neighbors with little or no warning, American forces must be postured to project power rapidly to support United States interests and allies.'' Clearly, the most appropriate weapon in our arsenal for rapid power projection is the B–2 long-range-strike aircraft. Yet, because of legislation—which has now been repealed—we currently have only two squadrons of B–2's. In order to meet effectively our basic strategic objectives, just nine more B–2's, bringing the total to three squadrons, are essential. Mr. President, we must restart this program; we must provide funding for the B–2 this year.

The B–2—a long-range, precision-strike aircraft—is the best, and perhaps only, option available to us to counter emerging threats in our security environment. We are not able to spend as much for defense as we have in the past, causing us to decrease our presence abroad and base more of our forces here at home. This, in turn, limits our forward presence and ability to rapidly respond to a crisis elsewhere in the world. In addition, access to foreign bases, closer to theaters of conflict, has become more and more uncertain. And above all, weapons of mass destruction and accurate delivery systems are becoming more prolific, possibly held by rogue states and organized terrorists alike. These chemical, biological, or nuclear weapons could be used with devastation to attack American ground, naval, and air forces based within a theater of conflict.

How does the B–2 respond to these challenges? The B–2 uses stealth technology, technology more effective than that employed on F–117 fighter bombers in the gulf war. As you recall, these planes were the key to securing the advantage immediately in the air war and remained impossible for the Iraqis to stop. However, the B–2 is a more powerful and flexible weapon, and offers several advantages over the F–117.

First, it is a long-range system. The B–2 can fly anywhere in the world, from bases in the United States, with only one refueling. These factors also make the B–2 an important tool for deterrence, allowing the President the ability to strike anywhere in the world immediately. Thus, a counterstrike can be launched from the United States, as soon as the threat is apparent, without reliance on foreign bases, or troop buildup.

Second, the B–2 carries a bigger, more accurate payload than the F–117. The precision bombs carried by the B–2 use GPS-aided targeting systems, and GPS-aided munitions [GATS/GAM], which enables up to 16 independent points to be targeted with extreme accuracy, in 1 pass. This precision is an important counter to the mobile and relocatable nature of many of our new potential enemies, such as scud missiles or terrorist encampments. The local release of a strike allows last minute adjustments to account for local conditions, or target movement. This is not possible with cruise missiles. In addition, delivering a strike via bomber also allows difficult targets, like the dark side of a mountain, or underground bunkers, to be attacked and destroyed.

One of the most important points to make about the B–2 is that it will reduce the number of American soldiers put in harm's way, and ultimately reduce casualties. Because the President can choose to respond immediately, or preemptively, engagement in a conflict or its escalation, may be avoided. Because the aircraft is launched from outside the theater, all support personnel and equipment are also outside the theater of conflict. Because the B–2 utilizes stealth, the need for escort aircraft, which are also theater-based, is eliminated. I have read several estimates about the value of stealth and precision weapons, and one that sticks in my mind is that one B–2 bomber has the combat power of 75 non-Stealth aircraft.

This last statistic illustrates another important factor in our consideration to build nine additional B–2's: the program will provide cost savings in the long run. This may be hard to believe, when we are talking about aircraft that cost $850 million each to build, but as I have explained—the B–2 requires less support; is more precise, requiring fewer sorties to accomplish the task; and, may reduce the need for further massive troop and aircraft involvement. Air Force analysis shows that, operating independently, free of the requirement for fighter escorts, electronic jamming aircraft, and tankers, a single B–2 with two crew members can accomplish missions currently requiring 75 tactical aircraft and 147 crew members. The B–2's ability to penetrate air defenses, without the usual armada of support aircraft, means that we can, in some mission areas, replace dozens of aircraft with one bomber, potentially saving billions of dollars over the long run.

Mr. President, the American bomber force currently relies most heavily on two aging conventional bomber aircraft—the B–52 and the B–1. In order to maintain mission safety while attacking specific, above ground targets,

these bombers must use cruise missiles. These missiles are more expensive—the 44 cruise missiles fired against Iraq during the gulf war cost more than $100 million—over 100 times more expensive than what an equivalent number of precision, direct-attack weapons, delivered by the B–2, would cost. Moreover, these missiles are less effective—current-generation cruise missiles cannot be used against mobile or heavily hardened targets. The B–2 long-range-strike aircraft is cost effective.

Mr. President, the last B–52 was built 35 years ago. It has been a very successful aircraft, but it will not last forever. As we look to the future, with the retirement of B–52's and the withdrawal of the B–1 from active service, the B–2 will be the only long-range aircraft in the Air Force inventory. That is why the B–2 program also represents an important opportunity for the United States to maintain superiority in a critical field of production. This program is the only remaining component of the combat aircraft manufacturing industry in California. By building the remainder of the third squadron, the production lines would stay open another 10 years. Not only would this sustain American know-how in this important industry, but would also save tens of thousands of jobs within aerospace and related industries. When we buy the B–2 we are not only buying the best long-range-strike aircraft in the world, we are also investing in the industrial capacity to produce them. We preserve the industrial base, while preserving the ability to project power anywhere in the world to protect American interests.

Another important cost factor to consider is what we have already invested in this revolutionary weapons system. If we do not have the foresight to approve the remaining nine bombers now, the costs to restart this program will be much greater in the future, as the need becomes more critical. Planning ahead will allow us to get more value from the money and effort already committed to this project.

Mr. President, earlier, I mentioned Saddam Hussein's aggression against the Kurds last fall, as an example of new threats to our national security. This is especially true since administration officials have stated that we should expect to contend with Saddam on a yearly basis from now on. In response to Saddam's movements against the Kurds, on September 3, 1996, we attacked targets in the southern regions of Iraq. It would have been more effective to strike the Republican Guard, which was the actual threat to the Kurds in the north, or the hardened command and control centers of the Iraqi leadership in Baghdad. However, our insufficient response to Saddam's assault resulted from a lack of options available to us.

Because Saudi Arabia, Jordan, and Turkey each indicated that they would not permit American aircraft from launching air strikes from bases in their countries, we were forced to use other options not dependent on foreign governments: carrier airpower, bombers, and cruise missiles. The inherent limitations of each of these options imposed constraints on where and what we could attack—the northern targets were out of range of carrier-launched missions and, because the targets were mobile, cruise missiles could not be used. The most important targets in Baghdad were too heavily protected for conventional, non-Stealth aircraft delivering cruise missiles that, in any event, could not penetrate underground bunkers. Thus, we had to choose targets that were easier to attack: fixed targets, which were above ground and not hardened and, therefore, vulnerable to cruise missile attacks within range of carrier-based aircraft in the southern no-fly zone.

In order to more effectively attack Saddam and punish his aggressive actions, we would have had to use a stealth weapon to elude detection by Iraqi air defense; a long-range weapon, not based in a foreign country; and a precise weapon to strike the mobile and hardened targets presented in Iraq. Our B–2 is this weapon. It is the only tool in our arsenal that allows us to respond to the new threats we face in an unequivocal and decisive fashion.

What about those who say we don't need any more B–2 bombers? The issue of our bomber capacity was addressed in the Department of Defense Heavy Bomber Force Study. This study concluded that our current force would be sufficient through sometime around 2015. I was very disappointed with the conclusions of this study, not only because I believe the study was fundamentally flawed and based on unrealistic assumptions, but also because I believe the B–2 is the most vital weapon of our future.

The study utilizes a scenario of two regional conflicts, but assumes that our enemies would be incredibly considerate of our needs. It was assumed that we would have a 14-day advanced warning of an enemy attack, allowing time to deploy our forces; that the two regional conflicts would not be simultaneous, so our bombers could be used in both conflicts; and that no weapons of mass destruction would be used to poison the ground and air in the area where we would intend to deploy our troops. These were the assumptions.

I ask my colleagues, with the furor aroused in the American populace by the gulf war syndrome and the conflicting stories which have emerged from the Pentagon, is there anyone who still believes that we would deploy forces into an area where we suspect the enemy has released chemical or biological weapons? What is to prevent an enemy from discharging chemical or biological agents in an area prior to the initiation of open hostilities? Would our troops be able to deploy into the theater of conflict without interference? Could they set up and operate air bases and troop reception centers while under the threat of chemical or biological weapons? I am confident that the answers point to the urgent need for long-range-strike aircraft and support the acquisition of nine more B–2 aircraft.

The heavy bomber study also made some broad assumptions about other factors that may or may not be in our control. The study assumes that we will be able to move our troops and equipment faster than we ever have before; that all of our allies will be on board and welcome foreign troops into their bases and ports; that our forward locations will also be conveniently located near the regional conflicts; and that our current equipment, including bombers built in the 1950's and 1960's, will be available and fully functional. Altogether, these are awfully big leaps of faith to make about uncertain enemies and unlikely conditions in the future.

If any one of the unrealistic assumptions does not hold true, the B–2 becomes our primary weapon and our only practical option. It is the only system that is not vulnerable to surprise attack. It is the only system that is independent of support aircraft based in the theater of conflict. It is the only system that is capable of operating beyond the range of weapons of mass destruction.

Mr. President, we have also learned that our allies do not always cooperate readily with our requests to use bases in their countries, or fly through their airspace, when answering aggression—again, examples are the United States raid on Libya in 1986 in response to terrorist bombings and the attack on Iraq last year when organized Iraqi forces attacked Kurds in northern Iraq. To give the President the best option to protect American interests and citizens, while reducing to a minimum the risk to American soldiers, we need to have the most effective tool available—an independent, global, precision strike system. We need to give him this option and take advantage of the most advanced technology available; we must approve funding in order to complete the third squadron of B–2's.

Mr. President, I am no military expert. But those whom I know and trust, men such as retired Air Force General Charles Horner, who ran the air campaign in the gulf war, have determined that three squadrons of B–2's represent the minimum operational capacity required to meet our basic military objectives. In order to halt an invasion from bases at home, and to conduct a strategic air campaign, like that of the gulf war, from bases at home, the Air Force needs three squadrons of B–2's. These three squadrons are also critical to neutralizing weapons of mass destruction and theater ballistic missiles; establishing air superiority and attacking enemy airfields; and suppressing enemy air defenses; all of which then enable the deployment of forces to the theater when necessary.

Mr. President, history shows us that surprise attacks, both strategic and terrorist, do happen and are very effective—Pearl Harbor and Korea, as well as the attack on the Marine barracks in Beirut, and on our installation in Dhahran—are poignant examples of our past failures. We dare not fail again. We need to plan for surprise—to equip our military forces with the ability to blunt or defeat an attack anywhere, at any time, and with weapons that we will actually use and which others believe we will actually use. That means conventional explosives delivered with great accuracy and with immediacy and with little risk of U.S. casualties. That means the B–2 long-range-strike aircraft.

Mr. President, with the B–2, our ability to respond effectively to diffuse global threats, through the projection of American power, is secure; without it, our foreign policy is one of dependence on others, our interests are hostage to public opinion in foreign countries, and our soldiers, whom we send to defend our interests abroad, are needlessly imperiled.

Mr. President, I call upon my colleagues to support the acquisition of nine more B–2 aircraft, to establish the minimal, militarily effective force of three squadrons.●

REGARDING THE UNDERSTANDING REACHED BETWEEN THE UNITED STATES AND THE EUROPEAN UNION

● Mr. D'AMATO. Mr. President, I rise today to comment on the understanding reached between the United States and the European Union regarding the implementation of the Helms-Burton Act and the Iran-Libya Sanctions Act.

I want, from the start, to congratulate Ambassador Stuart Eizenstat, Undersecretary of Commerce, who negotiated this understanding. His commitment to easing relations between the United States and the European Union is unending. His work on the issue of Holocaust victims assets in Swiss banks has also played a vital role in settling that problem. I am honored to work with him on both counts.

The understanding, as it relates to the Iran-Libya Sanctions Act, is quite clear. It states:

> The U.S. will continue to work with the EU toward the objectives of meeting the terms (1) for granting EU Member States a waiver under Section 4.C of the Act with regard to Iran, and (2) for granting companies from the EU waivers under Section 9.C of the Act with regard to Libya.

It should be clear that the terms for granting a waiver, specifically with regard to Iran are very simple. If the country from which the company to be sanctioned is situated imposes substantial measures, including the imposition of economic sanctions, then a waiver can be granted. Yes, there is a provision for national security waivers, but to simply provide a blanket waiver for the European Union, is a clear contravention to the will of Congress and goes against the very fact that the President signed the bill.

Congress intends for this law to be implemented in full, without blanket waivers that do not follow the provisions enacted unanimously last year. If blanket waivers are provided without just cause then only Iran will benefit. Congress enacted this bill with the intention of denying the funds to Iran necessary to fund terrorism, as shown by the verdict in Mykonos and the strong speculation that Iran had a role in the bombing of the Khobar towers in Saudi Arabia. It also did so to deny Iran the funds with which to obtain weapons of mass destruction.

We must remember that the Iranian Government, at the highest levels, has been implicated in ordering the assassination of Kurdish dissidents in Berlin. This terrorist act was conducted on European soil, not American. It is unfortunate that Europeans are blind to the need for action to curb Iranian terrorism, even when it is occurring on their own streets. For Europeans to push for a relaxation of antiterrorism legislation to counter Iran, is even worse. Yet, all of this seems to be of little matter to them. The only thing that does matter is that trade continues, even with the likes of Iran. I wonder if they will ever understand this all?

I look forward to seeing how this understanding progresses, and I look forward to European compliance with the legislation. Europeans may take this issue lightly. If they think that they can get a simple waiver so that they can conduct business as usual with the foremost sponsor of international terrorism, but they're wrong—very wrong.●

HONORING ANTHONY (DUKE) DEBIASE OF THE MARINE CADETS OF AMERICA

● Mr. LIEBERMAN. Mr. President, I rise today to honor a former marine, Mr. Anthony (Duke) DeBiase on the occasion of his 29 years of faithful service to the youth of Connecticut through his service with the youth program, the Marine Cadets of America. Mr. DeBiase is a retired city of New Haven employee and also served as chief of security for the New Haven public school system prior to his retirement. Mr. DeBiase also served for 15 years as a member of the board of directors for the U.S. Marine Corps Youth Foundation and among his awards is the Distinguished Service Award from the foundation, he is also the recipient of the Certificate of Congressional Recognition which was awarded for his outstanding community service. Captain DeBiase presently serves as the commanding officer of Company A, 1st Battalion, Marine Cadets of America, a national program recognized by the U.S. Marine Corps and the U.S. Department of Defense. The dedication of Captain DeBiase to the war on drugs through his program has bestowed national recognition for his efforts and we wish him continued success in his outstanding leadership to the youth of America.●

COMMENDING GENE ROBERTS

● Mr. THOMPSON. Mr. President, today I wish to recognize a man of character, his tradition of accomplishment, his outstanding record of public service, and his contribution to his community and the State of Tennessee. Today, April 14, Gene Roberts steps down as the mayor of Chattanooga. He will be missed, but I know that wherever he chooses to put his skills to use in the future, he will be a great asset.

Gene Roberts is a low-key kind of man, the kind who leads with confidence. When Gene gets behind some cause or effort, people just fundamentally know that he's in it for the right reasons and that they ought to seriously consider following his lead. The people of Chattanooga have had the benefit of Gene's talents in his capacity as mayor since 1983. They know firsthand what I'm talking about.

Gene's history of public service goes back over 25 years, back to 1971, when he was the commissioner of fire and police for Chattanooga. For a brief time, he served in the cabinet of my friend, Gov. Lamar Alexander. And his long tenure as mayor has been marked by unprecedented growth, progress, and a rise in the fortunes and profile of the city of Chattanooga.

He has presided over real progress. During his years in office, Chattanooga has seen a revival of its downtown, revitalized neighborhoods, a cleanup of pollution to preserve the beautiful land in the area, and a marked increase in the quality of life for the folks who call Chattanooga home.

Thanks to Gene's efforts, and his coordination of efforts with other civic-minded groups and individuals, Chattanooga has become a model for other cities striving to improve. Today, leaders from around the world and across the country visit Chattanooga to see what's been done, and to find out how they can duplicate the success of this model city.

It's this kind of effort that creates a vigorous economy for the area, and that's good for everyone. In no small measure, we have Gene Roberts to thank for that.

These kinds of positive changes only happen when an individual steps forward to take the initiative. You've got to care enough to invest time and skill and experience to make a good city into a great city. Things like this don't just happen by themselves.

Congratulations and all the best to Gene Roberts as he retires from the office of mayor of Chattanooga, TN.●

SALUTE TO LARRY MANCINO

● Mr. MOYNIHAN. Mr. President, the Communications Workers of America

[CWA] has recently elected Larry Mancino as the new vice president to lead CWA District 1, the largest region in the union. As a fellow native of New York City, I am pleased by Mr. Mancino's election to vice president.

Most significant, Mr. Mancino made it to the top of the CWA District 1 the old-fashioned way. He earned it! For more than 30 years, he has been a dedicated trade unionist, serving as a rank-and-file activist before advancing to the union's national staff. In 1991, he was promoted to assistant to CWA President Morton Bahr, the position he held prior to his election as vice president.

Mr. President, there are revolutionary changes occurring in the telecommunications industry as the United States approaches the 21st century. The convergence of computer and telephone technology is transforming not only how our citizens communicate with each other, but also how Americans communicate with the world.

In this turbulent time of transition in the telecommunications field, the CWA members in district 1 are fortunate that Larry Mancino is an innovative leader who can confront the challenges that workers in the telephone industry face.

I wish the CWA members in New York and throughout district 1 well as they journey forward under the proven leadership of Larry Mancino.●

CENTENNIAL ANNIVERSARY OF THE PENNSYLVANIA INSTITUTE OF CERTIFIED PUBLIC ACCOUNTANTS

● Mr. SANTORUM. Mr. President, the Pennsylvania Institute of Certified Public Accountants [PICPA] celebrated its 100th anniversary on March 23, 1997. I rise today to congratulate PICPA for a century of service to the people and businesses of Pennsylvania. This distinguished organization, which boasts more than 18,000 members, is the second oldest society of certified public accountants [CPAs] in the United States. In fact, several of the big six accounting firms were actually founded by PICPA alumni.

Mr. President, PICPA is comprised of dedicated professionals who provide essential financial advice to individuals, corporations, nonprofits, and government entities. Every day, they ensure that corporate financial dealings are properly reported to stockholders, help organizations comply with our tax laws, and provide detailed financial reports for managers.

In a dynamic business climate, it is essential to stay apprised of changing professional standards, government regulations, and accounting practices. PICPA associates have risen to this challenge. They have demonstrated a commitment to the accounting profession by adhering to a continuing education requirement. Likewise, they subject themselves to periodic peer reviews to improve the quality of their financial statements.

I am also pleased to note that PICPA encourages community service. Members have proudly helped improve the quality of life for less fortunate Pennsylvanians by donating thousands of hours to charitable organizations.

Mr. President, members of PICPA are currently serving the public as auditors, tax advisors, computer consultants, personal financial planners, educators, legislators, small business advisors, managers, and estate planners. I salute CPA's in all walks of life, and I ask my colleagues to join me in congratulating the accountants and employees of PICPA, both past and present, for 100 years of exemplary service.●

RELATIVE TO THE ATTORNEY GENERAL APPOINTING AN INDEPENDENT COUNSEL IN 1996 CAMPAIGN FINANCE INVESTIGATION

● Mr. LEVIN. Mr. President, the Attorney General, today, will apparently respond to the request of a majority of the members of the Senate Judiciary Committee that she seek the appointment of an independent counsel in the investigation into campaign finance irregularities of the 1996 campaign. In deciding how to respond, the Attorney General's duty is to follow the law, not to respond to political pressure.

But over the weekend, extraordinary attempts were made by several House Republican leaders to literally scare the Attorney General into doing what they want, not necessarily what the law requires.

Both Speaker GINGRICH and Majority Leader ARMEY said Sunday in effect that if she doesn't seek an independent counsel it's because she caved in to administration pressure. I ask that the Washington Post article of Monday, April 14, 1997, entitled "Republicans Warn Reno on Independent Counsel" be printed in the RECORD immediately following my remarks.

Mr. President, those comments by the Speaker of the House and the Majority Leader of the House constitute an attempt at political intimidation. Their message to the Attorney General yesterday was that if she doesn't seek the appointment of an independent counsel today, she runs the risk of being hauled up before a congressional committee and put under oath. There are consequences, they are telling the Attorney General—there are consequences to not doing what they want her to do.

Well, Mr. President, those statements by House Republican leaders fly in the face of the very purpose of the independent counsel law. Here's a statute that we passed to take the politics out of criminal investigations of high-level officials, and the Speaker and House Leader worked hard to put politics right back in. Their threats to the Attorney General—to make her do what they want her to do are inappropriate and jeopardize the very law they are demanding that she invoke.

I have confidence, Mr. President, that the Attorney General will follow the law wherever it leads her, despite their clumsy effort at political intimidation. I hope that Members on both sides of the aisle here in the Senate will respect her decision, whatever it is, and the discretion the law entitles her to exercise.

The article follows:

[From the Washington Post, Apr. 14, 1997]

REPUBLICANS WARN RENO ON INDEPENDENT COUNSEL

ATTORNEY GENERAL SHOULD BE CALLED TO TESTIFY IF INQUIRY IS NOT REQUESTED, GINGRICH SAYS

(By John E. Yang)

House Speaker Newt Gingrich (R–Ga.) said yesterday Attorney General Janet Reno should be called before Congress to testify under oath if she does not tell Congress today that she will seek an independent counsel to investigate alleged abuses in Democratic Party fund-raising.

Gingrich declared he has no confidence in Reno as attorney general and, when asked if she should resign, said: "We'll know tomorrow," the deadline for Reno to respond to a request from congressional Republicans that she call for an independent counsel in the matter.

"The evidence mounts every day of lawbreaking in this administration," Gingrich said on "Fox News Sunday."

"If she can look at the day-after-day revelations about this administration and not conclude it's time for an independent counsel, how can any serious citizen have any sense of faith in her judgment?"

Late last week, the indications were that Reno would likely not seek a counsel in the case, which is already being investigated by career Justice Department prosecutors, but aides emphasized no final decision had been made.

If she decides not to ask a three-judge panel to name an independent counsel, Gingrich said, Reno needs to explain her decision. "She needs to answer in public, she needs to answer, I think, under oath," he said.

Senate Judiciary Committee Chairman Orrin G. Hatch (R–Utah) said Reno "becomes a major issue" if she does not call for an independent counsel.

"The conflict of interest, both apparent and real, it seems to me, would necessitate her choosing an independent counsel," he said on ABC's "This Week." "If she doesn't then I think there's going to be a swirl of criticism that's going to be, I think, very much justified.

Justice Department spokesman Bert Brandenburg dismissed such talk. "Unfortunately, this has become a battle between law and politics," he said in a telephone interview. "The Justice Department will adhere to the law."

Reno routinely asks the career prosecutors looking into the matter whether any development requires the appointment of an independent counsel, according to Brandenburg. So far, they have not said that an independent counsel is indicated, he said.

The law says the attorney general must ask for an independent counsel if there is specific, credible information of criminal wrongdoing by top administration officials—including the president, vice president and Cabinet officers—the head of a president's election or reelection campaign or anyone else for whom it would be a conflict of interest for the Justice Department to investigate.

House Judiciary Committee Chairman Henry J. Hyde (R–Ill.) said an independent

counsel was needed to maintain public confidence in the investigation. ''In-house investigations, as honorable as they might well be, don't sell the public on the fact that they are independent,'' he said on ABC.

While Hyde said he retains his confidence in Reno as attorney general, Gingrich was sharply critical of her for not telling White House officials the FBI suspected China was planning to make illegal campaign contributions. Reno has said she telephoned national security adviser Anthony Lake, failed to reach him and never called back.

''If you're the top law enforcement officer of this country * * * wouldn't you say to the White House, 'Gee, the president and the secretary of state ought to know we think the Chinese communists may be trying to buy the American election'?'' he said.

House Majority Leader Richard K. Armey (R–Tex.) suggested Reno is victim of the political pressures within the administration.

''This is a person that would like to be professional and responsible in their job, and that makes her out of place in this administration,'' Armey said on CBS's ''Face the Nation.'' ''She is in a hopeless situation. * * * If I were Janet Reno, I would just say 'I can't function with people that stand with these standards of conduct and behavior and I'm leaving.' ''

On another topic, Gingrich said the United States should ''consider very seriously'' military action against ''certain very high-value targets in Iran'' if there is strong evidence linking a senior Iranian government official to a group of Shiite Muslims suspected of bombing a U.S. military compound in Saudi Arabia last year.

''We have to take whatever steps are necessary to convince Iran that state-sponsored terrorism is not acceptable,'' he said. ''The indirect killing of Americans is still an act of war.''

The Washington Post reported yesterday that intelligence information indicates that Brig. Ahmad Sherifi, a senior Iranian intelligence officer and a top official in Iran's Revolutionary Guards, met roughly two years before the bombing with a Saudi Shiite arrested March 18 in Canada. According to Canadian court records, the man, Hani Abd Rahim Sayegh, had fled Saudi Arabia shortly after the June 25 bombing that killed 19 U.S. servicemen and wounded more than 500 others.

JOHN PIDGEON'S 40TH ANNIVERSARY AS HEADMASTER OF THE KISKI SCHOOL

• Mr. SPECTER. Mr. President, I have sought recognition to acknowledge John ''Jack'' Pidgeon's 40th anniversary as headmaster of the Kiski School in Saltsburg, PA. John is well known to many Pennsylvanians for his excellent career in education and also is the proud husband of Pennsylvania's State treasurer, Barbara Hafer.

Forty years ago, John Pidgeon left a position at the Deerfield Academy to assume the position of headmaster of the Kiski School. In 1957, he became the youngest headmaster in the United States. Today, he is the longest serving headmaster in the country. In this capacity, he has worked to stabilize the school's finances, develop the campus, and build upon its outstanding academic reputation.

When John first arrived at the Kiski School, the institution's infrastructure was suffering and its deficit was rising. Under his direction, the school raised funds for a campus face lift, built a strong financial foundation, and stabilized enrollment. Throughout his career, he has emphasized the value of courtesy, ethics, discipline, high moral standards, and quality of education. By establishing a philosophy that combined these values in the school's education program, he has prepared Kiski boys to meet the challenges and opportunities they will face in the future.

I ask that the text of an article in the September, 1996 Kiski Bulletin be printed in the RECORD.

The article follows:

KISKI—THE SCHOOL THAT JACK BUILT

Forty years ago, John ''Jack'' Pidgeon left a secure job at Deerfield Academy to become the Headmaster of The Kiski School. As the new headmaster, he not only ran the School, taught classes, and coached sports, but also initiated a major face-lift of the deteriorating campus. Along with no entrance road and few athletic fields, the school had no desks or chairs in some dormitory rooms, lacked water for days at a time, and suffered a $200,000 deficit. The students willingly pitched in to paint and clean up the school grounds.

Before 1957, Kiski never received a donation larger than $10,000. Today, the 350 acre campus is the envy of both independent schools and liberal arts colleges. Under the direction of the Headmaster, the School has completed over a dozen substantial fundraising campaigns and added:

Daub Hall, 1961.
The Field House, 1962.
Heath Clark Classroom Building, 1967.
The Indoor Swimming Pool, 1967.
McClintock Hall, 1968.
Vlahos Hall, 1968.
The Dining Hall and Infirmary, 1976.
Sheesley Hall, 1978.
The S.W. Jack Sports Center, 1983.
The Stephen C. Rogers Fine Arts Center, 1984.
Schoenbaum Center, 1985.
The John A. Pidgeon Library, 1993.
Six faculty homes.
A new dormitory in planning for 1997.

Today, campus buildings are worth over $5 million, and the School has an endowment of $20 million.

The campus enrollment is 250 boys, 225 boarders and 25 area day students. Over the past decade, ''Jack's Boys'' have come from six continents, 30 countries and 28 states of the U.S.

Jack Pidgeon came to Kiski as the youngest headmaster in the United States. Today his forty years of service make him the longest serving headmaster in the country. In addition to building a school with a superb physical plant, a sound financial basis, and a stable enrollment, Jack Pidgeon prides himself on placing high value on courtesy, ethics, discipline, morals, and a quality educational program. ''Kiski Boys'' are prepared to meet the challenges and opportunities they will face in the real world.

The man who played in the same backfield with actor Jack Lemmon and the same field with President George Bush at Phillips Andover Academy left a secure job teaching Latin at Deerfield Academy and took the leap of faith in coming to Kiski. He has, in his dynamic years as headmaster, built a school that has had a positive effect on the lives of thousands of young men. Every year, these young men receive a personally signed birthday card from the man who cared enough about their future that he risked his own on their behalf.•

MARINE CADETS OF AMERICA

• Mr. LIEBERMAN. Mr. President, I rise today to honor a national organization based in my district in Connecticut and headed by Col. George F. Keyes USMC (ret.), its current president. The Marine Cadets of America was founded in Connecticut in 1958 and is in its 39th year of operation, and although its mission has drastically changed and is geared to diverting children from falling prey to drugs and alcohol, it also provides children with a wholesome environment by teaching leadership skills, CPR, vocational skills, and a regular camping and survival program along with physical fitness and water sports. The men and women that serve as adult advisors and role models all serve without pay as volunteers and donate their professional skills to the children of this program. I congratulate and commend these men and women for their efforts and wish them every success in the continued efforts of this outstanding youth program.•

TRIBUTE TO ZVI H. MUSCAL

• Mr. SANTORUM. Mr. President, I rise today to pay tribute to Zvi Muscal, an exemplary businessman from Philadelphia and an outstanding community leader. Last December, the American-Jewish Community presented the 1996 Civic Achievement Award to Zvi Muscal, and I had the distinct honor of delivering the keynote address at his presentation dinner.

In 1979, Zvi left his beloved Israeli homeland to start a branch of Bank Hapoalim in Philadelphia. Like many who came to this country before him, Zvi came to America with a dream and a strong work ethic.

As the bank grew under his leadership, Zvi dedicated himself to many organizations which had a major impact on the Philadelphia community. Serving on the International City Steering Committee, the World Affairs Council, and the Philadelphia-Israel Economic Development Corp., which later became the Philadelphia-Israel Chamber of Commerce, Zvi has been a tireless advocate for business development in Philadelphia. Additionally, he has worked zealously to promote the city's cultural affairs and to support many important nonprofit organizations. In fact, the city of Philadelphia recognized Zvi's outstanding achievements and contributions by proclaiming May 19, 1985, Zvi Muscal Day.

Since then, Zvi has undertaken several business ventures. For instance, he started PhilTrade, Inc., an international trading company. Later, he and other business leaders founded the First Executive Bank. Zvi served as the bank's chief executive officer until June, 1996, when it merged with the First Republic Bank. Today, Zvi is the chairman of this institution.

As Zvi climbed the ladder of success, he strengthened his commitment to

the community and his ardent devotion to Philadelphia. He currently serves on the board of the University of Pennsylvania School of Dental Medicine, the Philadelphia International Airport Advisory Council, the Community Bank Advisory Council of the Federal Reserve Bank of Philadelphia, the Operation Smile-Philadelphia Chapter, the Police Athletic League, the Philadelphia-Israel Chamber of Commerce, Elwyn Jerusalem, the Solomon Schecter Day School, and the Gesu School of Philadelphia.

Mr. President, I salute Mr. Muscal for his achievements in business and in the community at large. I ask that my colleagues join me in wishing Zvi Muscal and his family all the best.●

IVA MAE DECKER'S 105TH BIRTHDAY

● Mr. JEFFORDS. Mr. President, I rise today to congratulate Iva Mae Decker, a Vermonter and very special woman who is celebrating her 105th birthday today.

Iva Mae Decker was born in Montpelier, VT, on April 14, 1892. Ask Iva Mae what the secret to her longevity is and she will answer: ''Just keep on moving.''

Iva Mae lives at home with her daughter, Beverly, and appreciates the support she receives from her friends in the community. She is a shining example that independence need not be lost due to age. Beverly says of her mother, ''She remembers the past, lives in the present, and looks forward to the future.''

Iva has a genuine concern and warmth for others, as the children of the Proctor Elementary School will attest. In 1992, during the annual Count to 100 Day, Iva visited the first graders in Proctor, VT. Five years later, Iva continues to encourage these children to read and write through correspondence and poetry.

To celebrate her 103d birthday, Iva took a hot air balloon ride. A surprise 104th birthday present provided by many friends, family and local businesses fulfilled Iva's life-long dream of riding the cable cars in San Francisco. She had a tremendous trip.

Last week, Iva had planned to celebrate her 105th birthday by visiting Washington, DC to tour the city and share her thoughts on Government with her congressional Representatives. However, the flu forced her to postpone her plans for the moment. A birthday celebration will be held instead in her home today. Among the many officials attending will be Rutland's mayor who will present a Rutland city proclamation in her honor.

I would like to join Iva Mae's many family and friends in wishing her a very happy birthday. Her longevity and zest for life is an inspiration to us all.●

ORDERS FOR TUESDAY, APRIL 15, 1997

Mr. LOTT. Madam President, I ask unanimous consent that on Tuesday, immediately following third reading of S. 104, there be 10 minutes for debate with 5 minutes under the control of Senator MURKOWSKI and the remaining 5 minutes divided between Senators REID and BRYAN, and, immediately following that 10 minutes, the Senate proceed to vote on passage of S. 104, as amended.

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

Mr. LOTT. Madam President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 9 a.m. on Tuesday, April 15. I further ask unanimous consent that on Tuesday, immediately following the prayer, the routine requests through the morning hour be granted, and the Senate immediately resume consideration of S. 104, the Nuclear Policy Act as under previous order.

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

Mr. LOTT. Madam President, I further ask unanimous consent that, after the ordered stacked votes tomorrow morning, there then be a period of morning business until the hour of 12:30 with Senators to speak for up to 5 minutes each with Senator DASCHLE, or his designee, under the control of the time from 10:30 until 11:30 with 10 minutes of that time set aside for Senator CONRAD and Senator THOMAS, or his designee, in control of time from 11:30 to 12:30.

I further ask unanimous consent that the Senate stand in recess from the hours of 12:30 to 2:15 for the weekly policy conferences to meet.

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

Mr. LOTT. I further ask unanimous consent that when the Senate reconvenes following the weekly party luncheons that there be a period for the transaction of morning business during which Senators will address the significance of April 15, 1997, Tax Day.

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

PROGRAM

Mr. LOTT. Madam President, for the information of all Senators, tomorrow at 9 a.m. the Senate will resume consideration of the Nuclear Policy Act. Under the order, following 3 minutes of debate prior to the rollcall vote we will proceed to a series of rollcall votes on or in relation to the pending amendments to that legislation. Senators can therefore expect approximately three rollcall votes beginning tomorrow morning shortly after 9 a.m. I believe there are 3 minutes between each vote also.

It is our intention to introduce and possibly conduct a rollcall vote with respect to legislation regarding unauthorized access by the IRS to tax records. There has been a bipartisan effort to get this legislation developed. We hope to have that cleared and to get a recorded vote on it tomorrow. It is something I know the American people feel very strongly about. There has been a lot of attention given to the fact that IRS employees have been fired because of this unauthorized access to these IRS records. It also will give us an opportunity tomorrow to talk about other abuses at the IRS.

So Senators can expect additional votes on Tuesday after the policy luncheons—at least one and hopefully two more votes tomorrow.

ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. LOTT. Madam President, if there is no further business to come before the Senate, I now ask the Senate stand in adjournment under the previous order.

There being no objection, the Senate at 6:11 p.m., adjourned until Tuesday, April 15, 1997, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate April 14, 1997:

DEPARTMENT OF JUSTICE

ERIC H. HOLDER, JR., OF THE DISTRICT OF COLUMBIA, TO BE DEPUTY ATTORNEY GENERAL, VICE JAMIE S. GORELICK, RESIGNED.

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE U.S. AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, USC, SECTION 601:

To be general

LT. GEN. RICHARD B. MYERS, 0000

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE U.S. AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, USC, SECTION 601:

To be general

LT. GEN. RALPH E. EBERHART, 0000

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE U.S. AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, USC, SECTION 601:

To be lieutenant general

MAJ. GEN. JOHN B. HALL, JR., 0000

EXTENSIONS OF REMARKS

COLLINS AMENDMENT TO THE FEDERAL EMPLOYEE GROUP LIFE INSURANCE ACT

HON. MAC COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 14, 1997

Mr. COLLINS. Mr. Speaker, I rise today to introduce legislation that will provide a much needed clarification of the Federal Employee Group Life Insurance Act.

This legislation will level the playing field between laws that govern private life insurance and the Federal statute that provides guidelines for the life insurance policies held by Federal employees.

My legislation will amend the Federal Employee Group Life Insurance Act to ensure that a domestic relations order, issued by a court, is considered a designation of beneficiary in the event that no designation of beneficiary has been filed.

Currently, if a Federal employee dies without properly naming a beneficiary for his/her life insurance policy, the law provides a very strict, prioritized list of individuals that are eligible to receive the benefits of that policy.

Unlike most State laws, the Federal code does not give any consideration to an existing court decree that may link that policy to a beneficiary as a part of a settlement agreement.

There are real instances where this inequity in Federal law is causing significant confusion among FEGLIA beneficiaries. It is time for us to clarify the law with this legislation that will correct this inconsistency and ensure that a court decree is given appropriate consideration.

During the 104th Congress, my legislation was included in the Omnibus Civil Service Reform Act, H.R. 3841, as reported by the Committee on Government Reform and Oversight.

The Department of Health and Human Services, Child Support Division, and the Office of Personnel Management have reviewed the legislation and do not oppose this change.

In addition, I have appeared before the Corrections Advisory Group chaired by Representative DAVE CAMP and they have recommended the legislation for inclusion on the Corrections Calendar. I appreciate this opportunity to introduce this legislation and look forward to its enactment.

TRIBUTE TO UAW LOCAL 314 ON ITS 60TH ANNIVERSARY

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, April 14, 1997

Mr. BONIOR. Mr. Speaker, today I pay tribute to the UAW Local 314 as they celebrate their 60th anniversary. On April 5, the membership of this great union will celebrate with an anniversary dinner.

In the 1930's, like most of the United States, the Detroit area was suffering from the Great Depression. In 1934, the Mechanic Educational Society of America tried to organize a union. Unfortunately, company resistance and union-busting activities were too strong for the fledgling union.

However, in February 1937, the UAW organized 90 percent of the Long Manufacturing workers and on April 6, 1937, local 314 was established. Many of the workers remembered the difficult years before the union and knew how important it was to establish a strong leadership. Within 2 months, this leadership helped win a contract that protected the workers' right to bargain collectively, seniority, wage increase, premium pay for overtime, a grievance procedure, vacation with pay, and the right to seek redress.

This was a historic contract in that it laid down the ground rules for protecting the rights of the workers for years to come. For 60 years, local 314 has preserved these basic rights while improving the working conditions for the employees.

Even though the name Long Manufacturing has changed to Borg and Warner Automotive, one thing remains the same—the commitment of the union to protect the workers. The hard work, sacrifice, and dedication of the leaders and members is illustrated in the struggles that the union has surpassed in the past 60 years.

I would like to congratulate the members of UAW Local 314 for their contribution to the labor movement on their 60th anniversary, and I wish them luck as they represent a new generation of union members.

LEGISLATION TO EXEMPT MULTIEMPLOYER PENSION PLANS FROM COMPENSATION-BASED LIMITS ON BENEFITS

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 14, 1997

Mr. VISCLOSKY. Mr. Speaker, today I am introducing legislation that will help correct a gross oversight within our Nation's pension system.

Under section 415 of the Internal Revenue Code, pension benefits from multiemployer pension plans are limited to the average of the retired employee's three highest consecutive years of income. This compensation-based limit makes perfect sense for many types of corporate pension plans, where pensions are based on compensation and income levels are relatively steady and tend to increase over time. But for many participants in multiemployer pension plans, limiting pension benefits in this way is both unfair and inequitable.

Unlike their corporate counterparts, benefits earned under multiemployer pension plans have very little relationship to actual compensation. Rather, benefits are generally based on a worker's years of covered service and the collectively bargained dollar amount of contributions made into the multiemployer plan. But the compensation-based limits contained in section 415 override the benefit rates set in the multiemployer plan, often decreasing a retiree's pension benefit well below what was negotiated.

Workers in the building and construction industries are particularly disadvantaged by section 415. Compensation for these workers can fluctuate dramatically from year-to-year, with the availability of work in these mobile, cyclical industries. For workers in these industries, section 415 often has the effect of driving the compensation-based limit much lower than the worker's average income. What's more, finding the 3 highest years of consecutive compensation often means basing the benefit limit on a period well before the date of retirement, which can mean a dramatic drop in income and lower standard of living once the worker retires.

Legislation passed by the 104th Congress, Public Law 104–188, which provided a long-overdue increase in the minimum wage, also exempted public employees from the pension benefit limits contained in section 415. But for reasons that have gone unexplained, Public Law 104–188 did not extend this exemption to multiemployer pension plans.

Mr. Speaker, no one should misinterpret either the intention or the effect of this legislation. These plans are not tax shelters and exempting multiemployer plans from section 415 will not result in an unfair windfall of pension benefits. Instead, my legislation would take a necessary step to ensure that benefits from multiemployer plans are not artificially reduced, and that every retired worker covered by these plans receives the pension benefits that he or she rightly deserves. I urge you and my other colleagues to cosponsor and support this important measure.

TRIBUTE TO LARRY HORAN

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 14, 1997

Mr. FARR of California. Mr. Speaker, I rise today to pay tribute to a man who is truly one of a kind. Larry Horan, who made his mark as a star college athlete before becoming a star director of the Peace Corps in El Salvador, Costa Rica, and Colombia, where I served, was honored last weekend for his many contributions as chairman of the board of the Special Olympics of Northern California. It was quite a tribute. Few men have had as positive an impact on those around him as Larry Horan.

In my own life, Larry has been a model. A defender of the common man and woman, Larry has spent his career standing up for those values that represent the best in all of us. A graduate of the University of California,

Berkeley, where he earned both undergraduate and law degrees in the 1950's, Larry's first venture into the working world consisted of a 5-year tour in the Alameda County District Attorney's Office where he served on the senior trial staff and worked hard for the people. In 1960, Larry further distinguished himself by joining forces with my father, former California State Senator Fred Farr, in the Law Offices of Farr, Horan & Lloyd, and served with distinction until a greater calling came.

Like many of us who followed the vision of our valiant President, John F. Kennedy, Larry decided the best gift he could give the world was one of service. He enlisted in the Peace Corps to make the world a better place and worked hard for 3 years to improve the plight of those living in the Central and South American countries where he lived with his wife Jean and where his youngest daughter, Maureen, was born. In 1967, Larry was named regional director of the Office of Economic Opportunity for the Western United States. Larry returned to California's beautiful central coast in 1970 where he became president and founding member of the Law Offices of Horan, Lloyd, Karachale, Dyer & Schwartz and Law & Cook Inc.

While working to benefit his local community, Larry has also given of himself in countless other ways. Sitting on the board of directors of the Monterey Institute of International Studies, he also serves as a trustee of the Naval Postgraduate School Foundation, on the board of advisors of the Big Sur Land Trust, as an advisor of the Friends of Moss Landing Marine Laboratories, on the Board of Directors of the Franciscan Workers and as Chairman of the Board of Directors of the Special Olympics of northern California, the organization that honored him.

I could go on and on about Larry Horan. To me, he symbolizes the very best qualities of the American spirit. Generous and compassionate to a tee, Larry is one of those very unique people who profoundly impacts all those he touches. He is a natural-born leader and deeply deserving of all the praise we can bestow upon him.

VOLUNTARY ALCOHOL ADVERTISING STANDARDS FOR CHILDREN ACT

HON. JOSEPH P. KENNEDY II

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 14, 1997

Mr. KENNEDY of Massachusetts, Mr. Speaker. This Bud's for you—It's Miller Time—Tap into the Rockies—I love you Man—these phrases have become familiar sounds in the living rooms of homes across the country. Soon, you will also be able to recall slogans for Seagram's Crown Royal whiskey and Hiram Walker's Kahlua liqueur, and a host of other spirits. In too many cases, it is children that are influenced by such ads—remembering and reciting these jingles, leading many to their first drink of alcohol in hopes of imitating the athletic, academic, or social success being sold to them over the airwaves.

The Wall Street Journal and Ad Age recently reported on the prevalence of alcohol advertising on television stations and during programming that have large youth audiences. For example, beer ads were shown to run frequently on MTV, a rock music station that is popular with kids. So the message to kids is to sit down with a brew to watch Beavis and Butt-Head?

Alcohol use and abuse among our children is on the rise. Alcohol-related deaths are the No. 1 killer of people under the age of 24—killing more than 100,000 people each year, 5 times as many as the death toll for illicit drugs. There are approximately 18 million alcoholics or problem drinkers in our country, 4 million of whom are minors.

We spend $15 billion a year fighting the war on drugs in this country. Yet alcohol, America's No. 1 drug, is promoted by billions of dollars in slick ad campaigns that tell kids if they want to be the first down the mountain, or get a good-looking date, or win the bicycle race, all they need to do is drink a beer, a wine cooler, or shot of whiskey.

For nearly 50 years the Distilled Spirits Council of the United States [DISCUS] had the right idea. As model corporate citizens, they voluntarily agreed not to advertise their product on television.

However, by ending their voluntary industry ban last November, they made a decision to lower the bar at a time when it needs to be raised.

The hard liquor industry had a legitimate argument that they were at a competitive disadvantage under their old code because the beer and wine industries advertise aggressively. But they took the wrong direction in an effort to even the playing field. We want fewer alcohol advertisements on television, not more.

I have in the past, and will again, introduce legislation which places specific restrictions on all alcohol advertising—beer, wine, and distilled spirits—particularly where alcohol products are being marketed to young audiences. These bills, the Just Say No Act and the Comprehensive Alcohol Abuse Prevention Act, prescribe specific restrictions with which I feel the alcoholic beverage industry should comply.

However, today we are embarking on a new, voluntary approach to solving this problem—not to be confused, though, as abandoning old strategies. We are convinced that television broadcasters, under their public interest obligations, should be expected to add their voices to this important debate by developing a voluntary code of conduct for alcohol advertising that will limit the exposure of such ads to children.

Some broadcasters have taken the first step. When the hard liquor industry abandoned its voluntary pledge not to advertise on television, all of the major network stations publicly stated that they would not accept their ads. Yet viewing audiences have been baptized with hard liquor ads around the country because network affiliates have agreed to air them. More can and should be done about all televised alcohol advertising that targets young audiences.

The legislation that I will introduce with my colleagues today, the Voluntary Alcohol Advertising Standards for Children Act, is a tool that will bring to bear a new benchmark for responsible advertising of beer, wine, and distilled spirits. Under this legislation, an antitrust exemption is established so that television broadcasters can come together to devise the new code of ''kid-friendly'' standards.

While the legislation does not prescribe or mandate what the final code should look like, it does lay out five general guidelines for consideration:

First, content—alcoholic beverage companies often market their products by using sex, fantasy, sports figures, cartoons, and fast music. Advertisements using such content clearly have a strong market appeal to youthful audiences.

Second, frequency—families should be able to turn on their televisions without being overwhelmed with alcohol advertising campaigns. Alcohol ads should not be airing in homes at a rate that surpasses advertisements of other products.

Third, timing—children are less likely to be watching TV late at night. Alcohol advertisements should not be airing during prime time viewing hours or hours when children are likely to be a significant portion of the overall viewing audience.

Fourth, program placement—what television shows are sandwiched in between alcohol advertisements? ''The X-Files''? Early Saturday sporting events? Alcohol ads should not be aired immediately preceding, during, or directly following television programming that has a significant youth audience.

Fifth, balanced messages—some deliberation should be given to the issue of balancing advertisements promoting alcohol consumption with public information messages about the risks of alcohol use by minors.

This bill would give the broadcasters 1 year to develop their code. The Federal Communications Commission [FCC] is required to approve the code before it is implemented, seeking public comment. If after 1 year, the broadcasters fail to develop their own standards, the FCC is given the authority to impose their own code, using the same five guidelines.

Any FCC-imposed code must be developed in a partnership with an advisory committee composed of parents, broadcasters, public interest groups, and other interested individuals from the private sector. The final, approved code would be enforced as a regulation by the FCC, punishable by monetary penalties.

This is largely a hands-off governmental approach. Regulators do not get involved in the creation of this code unless broadcasters abandon their responsibility to do so.

Alcohol is not a legal product for consumption by minors and therefore should not be advertised in a manner, place, or time where children are likely to be influenced. This legislation gives concerned parents and the public a voice in protecting their children from these negative influences. And this bill gives broadcasters the latitude to voluntarily develop alcohol advertising standards which they believe will protect children under their public interest obligations. All would be served well by passage of this legislation.

TIME TO PUT EQUITY FOR WOMEN BACK ON THE AMERICAN AGENDA

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 1997

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of the Fair Pay Act of 1997, a bill that would ensure that men and women receive the same wages for equal

work. It could not be more appropriate to discuss this bill today, because tomorrow is Pay Inequity Day. Pay Inequity Day is April 11—3½ months into 1997—and it is the day on which women's earnings finally equal those of men for the previous calendar year.

Pay inequity is no longer just a women's issue. It is one that intimately affects many American families as more and more American families rely on women's wages. An increasing number of families are headed by single working women. Many more families, those with two parents, find that to make ends meet it is necessary for both parents to work. In two-parent families, 66 percent of women work and the number of female-headed households has more than doubled since 1970.

At a time when families are increasingly dependent on the money earned by their female members, women with similar qualifications still earn less than 72 cents for every dollar earned by men in comparable jobs. Over her lifetime, a woman loses more than $420,000 to pay inequity. Wage discrimination costs all women together more than $100 billion a year. This is money that the American family can ill afford to lose.

I ask that my colleagues support this important legislation that will address gender pay inequity and in so doing take a stand to help America's working families.

TRIBUTE TO PATRICIA GORDON

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, April 14, 1997

Mr. BONIOR. Mr. Speaker, today I rise to congratulate Patricia Gordon, Secretary of the Year. On April 23, 1997, Ms. Gordon will be honored at the Secretaries Day Banquet during Professional Secretaries Week.

Each year, the Macomb Chapter of Professional Secretaries International chooses the Secretary of the Year based on a list of important qualities. Candidates are chosen based on their education, work experience, and involvement in PSI activities. Ms. Gordon's professional accomplishments and expertise led to the honor of Secretary of the Year.

Ms. Gordon began her career as an office professional 23 years ago as an office co-op at Center Line High School. For the past 10 years she has been employed by East Detroit Public Schools. Ms. Gordon is a group benefit secretary under Assistant Superintendent Raymond Berlin. She has made an important contribution to education and her community by performing many of the fundamental responsibilities that allow the schools to operate everyday.

In 23 years, Ms. Gordon has earned a CPS designation, been an active member of Professional Secretaries International and has obtained her real estate license. Ms. Gordon and her husband have also raised four children, Mellanie, Erica, Lauren, and Alexander. Her future goal is to continue her education and earn a degree in business.

I ask my colleagues to join me as I commend Ms. Gordon on her hard work and accomplishments as she accepts the award of 1997 Secretary of the Year.

CONGRATULATIONS TO THE GARY ALUMNAE CHAPTER OF THE DELTA SIGMA THETA SORORITY

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 14, 1997

Mr. VISCLOSKY. Mr. Speaker, it is truly my pleasure to congratulate the Gary Alumnae Chapter of the Delta Sigma Theta Sorority as it hosts a statewide Founders Day Celebration on Saturday, April 26, 1997, at Marquette Park in Gary, IN.

The Gary Alumnae Chapter will host the Founders Day Celebration with the help of 14 Delta Sigma Theta Chapters throughout the State of Indiana. The statewide celebration will feature Delta Sigma Theta Sorority's National President, Marcia L. Fudge, Esq., as the keynote speaker at a private banquet. After the celebration, Ms. Fudge will be introduced to community leaders at a reception held at Marquette Park from 5 to 7 p.m. During the reception, Mayor Scott King of Gary, IN, will present her with a proclamation from the city of Gary. In addition, Ms. Fudge will receive a proclamation from Indiana Governor, Frank O'Bannon. The festivities will conclude with area Deltas worshiping with Ms. Fudge at St. Timothy Community Church in Gary, IN.

Founded in 1913 at Howard University, the Delta Sigma Theta Sorority is a public service sorority comprised of over 200,000 members, both nationally and internationally. The founders of Delta Sigma Theta defined the organization's purpose as ''establishing and maintaining a high standard of morality and scholarship among women.''

Since its inception in 1938, the Gary Alumnae Chapter has worked diligently to fulfill the Delta Sigma Theta mission in northwest Indiana through members' participation in a variety of public service initiatives. Some of the local activities include: sponsorship of food banks and clothing drives; aid to Marion Home; a local shelter for pregnant teens; sponsorship of Delteens, an organization which organizes activities for high school junior and senior girls; and the awarding of $4,000 in college scholarships annually. The chapter also participates in Project Read, Stop the Violence Campaign, Kids Vote USA, and voter registration efforts. In addition, the Gary Alumnae Chapter has devoted much of its energy and resources to national public service efforts. Members of the chapter aid the NAACP, NAACP Defense Fund, the United Nations Children's Fund, and Habitat for Humanity, through financial contributions, and participation in local events.

It is my distinct privilege to congratulate the members of the Gary Alumnae Chapter of Delta Sigma Theta as it hosts the statewide Founders Day Celebration. The members of this organization are most deserving of the pride and honor exhibited on this very special occasion, as they have provided invaluable services to the citizens of northwest Indiana through their hard work and dedication. May this event prove to be most successful and rewarding.

TRIBUTE TO PETER BEHR

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 14, 1997

Mr. FARR of California. Mr. Speaker, I rise today to honor the late Senator Peter Behr, a dedicated and inspiring public servant of California. Senator Peter Behr was an instrumental force in the California legislature who was driven by principles and a commitment to preserving our precious environment. In his nearly 30 years of service, Senator Behr served as an inspiration to both his colleagues and constituents, including me. He will be remembered for his unparalleled environmental activism and for epitomizing the characteristics of an inspiring leader.

Senator Behr's admirable career in politics began as city councilman of Mill Valley in 1956. While serving in Marin County, he was recognized for leading a grassroots campaign to preserve and protect California's Pacific coastline. Through hard work and dedication, he moved up to county supervisor, and shortly thereafter he was elected to represent Marin in the California Senate.

One of Senator Behr's most notable accomplishments was the save-our-shores petition drive, which was instrumental in the formation of Point Reyes National Seashore, a beautiful expanse of the northern California coast. Additionally, Senator Behr established The 1972 Wild Scenic Rivers Act, which provided protection for priceless rivers.

After retiring from the senate, Senator Behr remained dedicated to preserving California's natural resources by involving himself with various organizations which strive to preserve our precious environment. He demonstrated his leadership among such groups as the Sierra Club Foundation, Friends of the River, and the San Francisco Foundation.

Today, Senator Behr is recognized as an exceptional politician who earned the utmost respect from both his colleagues and constituents. He will be remembered as an avid protector of the environment whose visionary ideology will remain a model forever. I ask my colleagues today, to join me in recognizing Senator Behr's accomplishments and the legacy he will surely leave behind.

ISRAELI PRIME MINISTER NETANYAHU'S ADDRESS TO AIPAC

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 14, 1997

Mr. GILMAN. Mr. Speaker, last week Israeli Prime Minister Benjamin Netanyahu made a major speech at the annual AIPAC policy conference dinner. This event is the pre-eminent pro-Israel activity in our Nation's capital, and was attended by over 150 Members of Congress. Because the Prime Minister's remarks are very timely and deserving of special attention, I would like to share them with my colleagues, and therefore request that they be reprinted at this point in the CONGRESSIONAL RECORD.

REMARKS OF PRIME MINISTER BENJAMIN NETANYAHU, AIPAC DINNER, WASHINGTON HILTON, WASHINGTON, DC, MONDAY, APRIL 7, 1997

PRIME MIN. NETANYAHU (Applause.) Thank you very much. Thank you. I want to say to Melvin Dow that you should give me these introductions in the Knesset. (Laughter.) I thank you for that, and I thank you for your leadership. I thank you for having AIPAC and for its support for Israel and for Israeli-American relations and for peace. You are doing a magnificent job. Thank you. (Applause.) You know that Melvin is the last—well, not the last—there will be others—but he is the most recent of a distinguished line of heads of AIPAC who are here. I've worked with all of them in some form or capacity or the other—Ed Levy and Bob Asher and Larry Weinberg whom I remember from our first meeting—it must be 20 years ago—you haven't changed—(laughter)—and Barbara Mitchell and Steve Grossman. It's the best people you could find. And they are joined here by some very good friends that I have had. First of all, the two ambassadors—the ambassador of Israel to the United States, Eli Ben Elissar—(Applause)—and the ambassador of the United States to Israel, Martin Indyk. (Applause.) He should stay the ambassador of the United States to Israel, if it were up to me—but I don't decide these things. Did I spill out anything? You should stay the ambassador of the United States to Israel as far as possible (Applause.) These are exceptional diplomats, and we are joined today by many other exceptional diplomats. And I thank you on behalf of the state of Israel for giving us an opportunity to speak to all of you not at the U.N. (Laughter.) This is a distinct advantage. (Applause.)

I want to say to my friends Leon Levy and Art Sandler, and of course my old-time friends Jonathan Mitchell and Sheldon Edelson—this goes on the order of the length of our acquaintance that it is wonderful seeing all of you here today. And it is a great honor for me to be on the stage that you provided so kindly, Howard, with your excellent staff that shepherded us—corralled us right in here—and prevents us from seeing all these extraordinary people in the audience. But I do see the people on the stage, and it is a privilege to be with Senators Ted Stevens and John Kerry—(applause)—two great friends of the state of Israel—(applause)—who represent over 40 senators and over 90 congressmen and congress women who are here. And I am very, very, very, very appreciative of the support that you are rendering Israel. And believe me there is not a person in Israel who does not share that same appreciation and wants to extend the same thanks.

I have to also confess to you that this is my first—I think it is—yes, it is my first AIPAC conference as the prime minister of Israel—(applause)—which—now, wait a minute, wait a minute. What this means in that in this capacity I have only seven more conferences to go—(laughter)—in this capacity. And I look forward to every one of them.

But I was discussing this with Jonathan Mitchell outside. And he said, ''Well, what's it like being the prime minister of Israel?'' And I said, ''Well, it's like a walk in the park.'' (Laughter.) And he said, ''You mean Central Park at midnight?'' (Laughter. Applause.) And I said, ''No, it's like a bed of roses but with a lot of thorns.'' But it is with all the challenges of this particular job, it has great rewards, first to see the things we want to see accomplished, and we are accomplishing them however difficult it is—the quest for peace. And Melvin put it correctly: the only meaningful peace, peace with security. And also a small idea that we have to make Israel—and this should not shock you—economically self-sufficient—(applause)—and a place where Jewish people make money by being good businessmen. These are all things that are happening in Israel. And the country is undergoing a tremendous revolution. It is becoming a technological power of the first order, and the world—we are marrying our special capabilities—technological capabilities—with the idea, with the strange idea of free market principles. And the combination is explosive. It is producing unparalleled investment in Israel. And I think it will be a tremendous boon for peace. It will help all of us. (Applause.)

I think that we in Israel—and I think all of humanity—extraordinary lucky that as we enter the 21st century the United States is the only superpower. It is a great force—a force for more clarity, for democracy, for justice and for peace. (Applause.) And I think Israel is especially lucky that AIPAC exists in this country to present Israel's case. I don't think anyone is more knowledgeable than you about the Middle East as it really is. And I think no one can present our case better. And I must say that no one does it with greater dedication. It is not enough to marshal the facts. It is not enough to muster the arguments. In order to persuade and make a difference you have to bring conviction. You have to couple the heart with the mind. And that is what you do—you give your heart and your mind to Israel, and for this I thank you from the bottom of my heart. (Applause)

I met with President Clinton today and with Secretary of State Albright, and we had very good meetings. We had I thought open talks—excellent talks—because we tried to get to the root of what it is that we can do to secure the peace. And I think that Israel and the United States share a common view. I found a real understanding for our position that there must be strong resolve in both our parties, but I think also elsewhere, to give the fight against terrorism the top priority it deserves. (Applause.) We all agree terrorism is the enemy. It is the enemy of the United States, it is the enemy of Israel, it is the enemy of peace, it is the enemy of our civilization. And it is an enemy that rears its head, and it must receive an answer. It must be stopped. Terrorism must be stopped and terrorism can be stopped. And we are the ones who ultimately will decide if it wins the day or loses ground. And I believe that it's within our capacities—when I say our capacities I mean not only the government of Israel and the government of the United States, but I think the men and women in this hall can each do their part to ensure that everyone does their part to wage the battle against terrorism.

We have I think a true friend in the White House—actually true friends—the president and the vice president. (Applause.) We have true friends in the State Department with the secretary of state. We certainly have true friends on Capitol Hill—that demonstrated aptly tonight. (Applause.) And I am sure that all of us—the administration, Congress, the government of Israel—will each be doing his part to pull together for our common cause. And with your help, which I think is indispensable, we will achieve the goal that we seek, which is a secure peace between Israel and its neighbors.

Now, this is not an easy task, because peace is elusive, and it cannot be captured merely by repeating the word ''peace'' like a mantra. For peace to exist in our part of the region of the world—we live in a difficult neighborhood as you no doubt ascertained—for peace to exist and survive and thrive in our part of the world, it must—it must be—the quintessential idea of peace which exists anywhere else is an obvious thing. Peace means the absence of violence. Otherwise there is no meaning to it. (Applause.) Peace means the absence of terror. If I were to say peace and terror cannot co-exist, this ought to be a redundancy. This shouldn't be said because it is so obvious. And yet it has to be said again and again and again, because we are asked to accept the notion that we can have peace on the one hand and terrorism on the other hand, both in the same process, both co-existing. It cannot be. One drives out the other, and we have to decide if peace drives out terrorism, and not that terrorism drives out peace. (Applause.)

Now, we are engaged today in an effort to rescue the Oslo process. This is a process which was based on two parallel ideas. The first idea was that the Palestinians—the Palestinian Authority would undertake to stop terrorism from its domains. And the second was that Israel would withdraw from the population centers which would become the Palestinian domains. Two ideas. Fight terrorism, leave the population centers. That's the basic deal of Oslo. Everything else is elaboration. And you have to ask how was this cemented. It was cemented not only in the provisions of Oslo that states this quite clearly; it was so important for Israel that the late Prime Minister Yitzhak Rabin refused—refused to sign onto Oslo until he got in addition to the provisions of the agreement a specific written commitment from the chairman of the PLO, Yasser Arafat, promising that he would combat terrorism, and the Palestinian Authority would fight terrorism. In other words, this is for Israel from the start this was the most fundamental aspect of Oslo.

I can say here tonight that had the Palestinians lived up to this assurance we would not be busy today trying to save the peace process. (Applause.) Now, it's widely believed that I am against Oslo—this is how it is portrayed. And I made my peace with Oslo. I made my peace with Oslo before the elections, and I said we will keep Oslo. It is not Oslo we are against; it is the idea that we alone shall keep Oslo, and the other side has agreed not to keep Oslo. (Applause). (Audio break)—most of them before I came to office. But I completed the hardest one, the redeployment in Hebron, which as you know is the oldest point of Jewish settlement on Earth, going back almost 4,000 years to the time of Abraham. We did that.

But when we look at the other side of Oslo, did the Palestinian Authority fulfill its part, then the answer is not a recent no, because in the 30 months that preceded the elections, since the signing of Oslo—the first 30 months of the Oslo agreement Israel suffered the worst terrorist waves in its history from terrorist groups based in those same PA—Palestinian Authority domains that were provided by the Israeli government. And this culminated in a week of incredible savagery, the suicide bombings of February and March of last year which cost the lives of 60 people.

I know this is redundant, but I'll say it anyway: This was before the rise of hard-line Netanyahu government. You can't have just Netanyahu—hard-line Netanyahu government, of the intransigent Likud government, as it is commonly known. It was before all of this. And I can tell you—and I suppose this means reminding too in some quarters—this was also before Har Homa. There was no Har Homa. There was no, quote, ''Provocation'' in Jerusalem. There was nothing. In fact, there was the most conciliatory—okay, dovish—(laughter)—the most conciliatory government in Israel's existence. It took extra pains not to do anything that would be perceived by the Palestinian Authority as a provocation. And yet we have these incessant attacks from terrorist groups which

were not stopped by the Palestinian Authority. And this is what the people of Israel asked us to correct. They didn't say abandon Oslo. They said correct Oslo—make sure that they fulfill their side of the bargain as well. (Applause.)

I should tell you that when those waves of terrorist attacks took place last March the peace process was in danger of complete collapse. The Labor government at the time suspended the redeployment in Hebron, and in effect it stopped all of the negotiations. And it was then, and only then, that the Palestinian Authority began to do something about terrorism. They began to act then against the terrorist organizations, because they understood that failing to do so would stop the Israeli withdrawal. I have to tell you that this activity was partial, because the PA did not—did not dismantle the terrorist organizations and did not disarm the terrorists. But its efforts, however partial, coupled with the cooperation between our security agencies—and there was important cooperation—all of that was enough to demonstrate that if it wanted to the Palestinian Authority could control the situation and significantly curb terrorism. And indeed this was the case in the following months. And in fact this was the case for a full year, until there was a decision to change the policy. And now we are faced again, once again, with terrorism and violence. The excuse of course is that we are building a housing project in Har Homa. You have heard—well, it's hard to say who of us has heard more nonsense about Har Homa, you or I—but you have heard a lot of nonsense about Har Homa. So let me tell you the facts. Har Homa is not an area in Arab East Jerusalem. (Applause). It is a barren hill in the southern part of Jerusalem, and it is on land that is mostly private land—75 percent private land owned by Jews. (Applause.) It is not a settlement. I said this morning that I have nothing against settlements, but it happens to be—that is a joke, by the way—(laughter)—but that—that there is a difference between a neighborhood in a city within the municipal boundaries of Jerusalem and a settlement is something that is obvious to you. But of course this is not obvious to anyone who watches most of the news media of the world, because this is deliberately obfuscated, the word ''settlement'' connoting something bad. And Har Homa is not a settlement; it is a neighborhood designed to alleviate the severe housing shortage in Jerusalem. And it is matched by our plans to have ten such projects of differing size altogether culminating in even more housing units for the Arab residents of Jerusalem, because we consider it our obligation to take care of the city's residents, whether they are Jewish or Arab, with equal effort. (Applause.)

And finally, the building of this residential neighborhood in no way contravenes the Oslo agreement. Oslo doesn't forbid in any way the construction of neighborhoods in Jerusalem—no government in Israel—not the Labor government or Likud government—would ever sign onto an accord that would limit our right to build in our ancient capital. And indeed I have to say the Labor government did not do this. (Applause.)

But Oslo does stipulate something about Jerusalem. It says that Jerusalem will be—the issue of Jerusalem will be negotiated and decided on in the final settlement negotiations, but pending the conclusion of those negotiations. There is only one stipulation about Jerusalem, and it is the curbing not of Israeli activity in Jerusalem but of Palestinian activity. The Palestinian Authority is prohibited—specifically prohibited under Oslo—to have any governmental offices in Jerusalem or any governmental activities of the Palestinian Authority. (Applause.)

So it is not Israel that is violating the Oslo Accords vis-a-vis Jerusalem; it is the Palestinian Authority which maintains illegally and contravening the Oslo Accords those offices in Jerusalem. It's a small point that I thought I should get across, because I didn't see it on the nightly news. (Applause.)

Now, we are told that building houses in Har Homa is introducing instruments of terror. This is a new concept of terror. It's called condominium terror—(laughter)—or terror of the walk-up rentals. (Laughter.) Or apartment—what is this? You can laugh, but it's not funny, because the attack on basic human values is always preceded—always preceded by a corruption of language. (Applause.) You twist people's minds by twisting the meaning of words. And once you can twist it—once you can say that there is this terrorism of the bulldozers—and that's what they say—then you can prepare the way for the acceptance by millions who listen to this pulp day in and day out that there is some kind of equality between a grievance that the Palestinians may have unjustly—unjustly as far as the agreement is concerned—that's for sure. In my opinion, as far as history and as far as justice is concerned, but that's not the point. Suppose they have a grievance. We have a grievance against them in Jerusalem. But that grievance cannot be used to vitiate the meaning of the word ''terrorism,'' to apply it where it doesn't belong, and indeed to legitimize the blowing of 50 people in a cafe in Tel Aviv, and the murder of three young women, one with an unborn child, and the other leaving aside a scarred baby girl that will never grow up a normal human being, that will always be scarred, whether her physical wounds heal or not—her mother she will never see.

I said on another occasion that nothing justifies terrorism. And the attempt to exculpate terrorism, the attempt to excuse it or explain it, understand it, is an attempt, however, unwittingly applied by some, to justify war crimes. (Applause.) Terrorism is a war crime. War crimes—the basic concept of a war crime is that even though mankind is consigned for the foreseeable future to engage on occasion in armed conflict we call wars, we proscribe—we prohibit armed combatants to deliberately attack the other part of humanity outside the war—that is, defenseless civilians—women, children, men, babies. They might be hurt accidentally, but they cannot be deliberately and systematically attacked. That's the whole idea behind the convention outlawing war crimes. If you don't have these limits, then anything is permissible. If you don't have these limits on attacking deliberately and purposefully and systematically, men and women and children and babies, then there are no limits that tell you that you cannot throw a million babies into ovens, or five or six.

And therefore the attempt to in any way explain terrorism—an insidious attempt that we are witnessing today—is an attempt essentially to do what I call—what I recall I must say is Pope John Paul's magnificent statement. He said the greatest danger of terrorism is that it can murder man's sense of sin. And we must never accept this attempt, using Jerusalem or any other excuse, to in any way limit or diminish the horror of the savagery committed buy these terrorists. And we will never accept terrorism. Nothing justifies terrorism. Nothing, period. (Applause.)

I think that for the peace process to proceed amid the difficulties that still lie ahead it is important on every occasion that each one of you without exception make your outrage of this obscenity known. It is important that you home—continuously home the perception and understanding of citizens, but especially of political leaders and government leaders, of the absolute unacceptability of terrorism.

Now, it's now a month—almost a month—since the Palestinian Authority has made it clear to the terrorist organizations that they can resume operations. The results are known. I can tell you that a week after the bombing in Tel Aviv only a miracle prevented the slaughter of scores of young children, ranging in age from four to twelve, and I saw them on the same day in my office, and I was deeply moved and deeply gratified that such a miracle took place. I think that we should make clear that we cannot accept what we are being told. We are being told that if we want the terror to stop we must stop building in Jerusalem. You are familiar in this country with this procedure. In the United States it is called a protection racket. It's extortion. And it never ends. It's something that we reject. We are not going to be a part of it. (Applause.) We are not going to pay a price for the privilege of not being killed. (Applause.)

I've been talking about terrorism, because I think it's important to understand that no peace negotiations can take place under its threat. I think that's understandable to you too. It's the position of another foreign government—foreign to the United States, but a close ally as well. Britain is now considering negotiating with the Sinn Fein. And it is said that they are demanding the complete cessation of terrorism before the British government sits down and negotiates with the Sinn Fein. We are not taking that position. We are not taking that position because we recognize that in our part of the world there are enough fanatics who can crawl out of the woodwork and try to obstruct peace negotiations. We don't demand from our Palestinian partners 100 percent success. We do demand 100 percent effort. (Applause.) We don't attribute the presence or the perpetration of occasional isolated acts as a necessary breakdown of our partner's will.

I'll give you an example. Three weeks ago we had a terrible terrorist incident. A Jordanian soldier killed in a terrible act of savagery seven schoolgirls aged 12 and 13. We didn't point an accusing finger at Jordan. We knew that the army of Jordan, the security forces of Jordan, the government of Jordan, and the king of Jordan make every effort—and spare no effort—in order to fight terrorism. And you saw how movingly King Hussein expressed this attitude when he came to Israel to comfort the relatives of the slain girls. (Applause.)

So as much as we'd like to have 100 percent success, what we are asking from our Palestinian partners is 100 percent effort.

And right now what we are receiving is close to zero percent. And that has to change. (Applause.) And if it changes—if it changes in the coming days and weeks, I can assure you that I will be the first one to welcome this change. (Coughs.) One thing I didn't take is Contac on the plane. (Laughter.)

So it is the fulfillment of the most basic provision of Oslo that we seek. But I don't want to leave you with the sense that we have given up on the other provisions. We have stated that we would keep our side of the bargain. And we should be judged on whether we have done so. Well in the last three months—actually in the last two and a half months, we have done the following: We have redeployed in Hebron—not easy. We have released female terrorist prisoners—some of them with a lot of blood on their hands—a commitment taken by the previous government—not easy, but we did it. We passed over significant funds to the Palestinian Authority, even though they still owe us a lot—they don't pay their phone and gas bills—not easy, but we did it. We lifted the

closure. We encountered a situation where there were 25,000 workers, Palestinian workers, entitled to work in Israeli cities. We raised it to 56,000—some risk—not easy, but we did it. We did all these things—and other things—because these were solemn commitments that we took, and I said we keep Oslo.

Now, look at what happened on the other side. You have already heard Palestinian offices in Jerusalem—violation of the agreement. The fact that we have terrorists that are released rather than incarcerated—violation of the agreement. The fact that there is hostile incitement towards terrorism and violence—contrary to the agreement. The fact that the military size, the size of the military forces and the police forces of the Palestinian Authority well exceeds the limit set by the agreement—violation of the agreement. All of this, and other violations, are shunted aside. And the equation is put forward in the following way: Israel, which keeps the Oslo Accords, is accused of violating them. And the Palestinian Authority, which violates the Oslo Accords, is credited with keeping them. This is the reality within which we find ourselves. I don't have many opportunities to reach such an important audience, so I have gone through in some elaboration on this point. But it is very, very important that the truth come out. We cannot fight this battle for peace if we don't fight the battle for truth. And you are our ambassadors for truth. (Applause.)

So if you want to be truthful, then there are two essential conditions for peace. One of them is the mutual fulfillment of obligations, which I call reciprocity. And the other is the abandonment of violence and terror and the systematic fighting against terror which can enable us to proceed down the road for peace. We have to assure ourselves that this battle against terrorism is not episodic, it's not ephemeral, it's not something that is done for the next three weeks, but is something that is consistent and remains a permanent feature of Palestinian policies and attitudes. And this requires us to be convinced that the sword is not unsheathed to be used periodically every time we have an argument and then sheathed again for a few weeks until we've reached the next impasse. (Applause.) What we want is this sort of terror to be beaten into plowshares and to pruning forth into computers, into anything but terror. And that I think encapsulates the twin expectations that we have from our negotiating partners.

And if that is achieved, if we can have an assurance of a change of policy and a change of heart, then we can proceed towards final settlement negotiations. That is not a diktat; it's an option. It's an idea. And the idea basically says that rather than spend time on a protracted path, eroding mutual confidence, that we try to telescope the final settlement process and try to engage all our energies, all our efforts, on trying to resolve the Palestinian-Israeli conflict altogether. One can spend an enormous amount of effort on a small thing, or one can spend an enormous amount of effort on a big thing. I'd rather spend it on a big thing and get to the end of this conflict. Both our peoples—Palestinians and Israelis—deserve such a solution. (Applause.) And I believe it is within which—I am convinced that an accelerated process will benefit both sides But this is an option that must be considered alongside other options. And the United States and President Clinton are considering their ideas. I am sure they will be presented to us in full form over the next days and weeks and months, and I am sure the same will apply to the Palestinian Authority. I trust the United States to be not only an indispensable partner for peace—it has been the mainstay of all our successful efforts for peace—all of them, from Camp David on—and it will be in this successful effort as well.

But I think the key ingredient to assure that these peace talks succeed is the narrowing of the distance between the size. And this requires of necessity tailoring expectations to reality. It's not easy to do that. It's the main job of leaders to do that, because your constituents will always demand more.

Now, we had to take a significant move, and we took it before the elections and after the elections. We recognized that we could not fulfill all of our dreams. We recognized there were facts on the ground. We recognized there were agreements that had been signed. And we said that we would honor those agreements and recognize those facts—and it wasn't easy—not before the elections, not after the elections, not before Hebron and not after Hebron—not today. But that is the job of leaders. They have to tell their people the truth and make them see the vision forward and the reality present. We do not see yet such a movement on the Palestinian leadership's part. (Applause.) They still cling—you clap for that? They still cling to an impossible idea. They cling to the idea that we will return to the '67 boundaries, that we will redivide Jerusalem, that we will build a Palestinian state. I have to tell you we are not going back to the '67 boundaries. (Applause.) We will not risk ourselves and the lives of future generations. (Applause.) And we are not going back to those insecure and indefensible lines. We oppose the Palestinian state because those sovereign powers that accrue to statehood—such as control of the airspace or control of the borders, and the importation of weapons of mass destruction, or even focused destruction—could endanger the very survival of the state of Israel. And we certainly under no circumstances will ever redivide Jerusalem. (Applause. Cheers.)

You hear references today—references today that you hear about Jerusalem or Arab East Jerusalem as a separate city—there is no such thing. Jerusalem is one city. It was divided for 19 years. It was reunited in the Six Day War. It shall stay united. (Applause.) I spent my childhood in that city from Day Two—when I was two days old. And so I grew up in that city, and I remember it. I remember it as a city, a walled city. In the middle of the city there was a wall with barbed wire and sniper positions. And I remember that people could not sit on the terraces of the King David Hotel without fear of being shot from the Old City. They preferred always the rooms facing the other way. Now thank God it has changed. It will remain changed. (Applause.)

And the fact of our bond with the city of Jerusalem is something that all of humanity recognizes, and certainly those that don't recognize it—they don't do so because they don't know our special bond. We have a bond with that city unlike any other bond of any other people to any other city in the world. It is a bond that has existed for 3,000 years. And no other people had Jerusalem as its capital during those three millennia except the Jewish people. No other people will have Jerusalem as their capital for the coming millennia as well. (Applause.)

I don't think there is any other body in the world that recognizes our attachment to Jerusalem and our rights to Jerusalem than the U.S. Congress, the Senate and the House together. (Applause.) Since the Six Day War, since Jerusalem was reunited, Congress has recognized the unity of Jerusalem in 30 special and separate initiatives, and this includes initiatives by such extraordinary figures in American life as Scoop Jackson and Hubert Humphrey and Everett Dirksen and Immanuel Seller (sp)—the youngsters here don't remember those names, but I remember those names—wonderful, wonderful Americans. And Jacob Javits (sp) and Hugh Scott (sp) and Edward Kennedy and Daniel Patrick Moynihan, and Joseph Lieberman, and Connie Mack, and Newt Gingrich, and Daniel Inouye and many, many others who have raised their voice in Congress on behalf of Jerusalem. (Applause.)

And there are many, many leaders here tonight who are doing and who will continue to do much with the unity of Jerusalem. I think that some of them have spoken in remarkably moving ways. I think of—since this is a bipartisan meeting—that Dick Gephardt's description of Jerusalem as the crown jewel of modern civilization is a wonderful penetration of the truth of what Jerusalem encapsulates in people's aspirations. He called it a triumph of faith and freedom—not just for the Jewish people, but for all people. And on the other side of the aisle Trent Lott, in another house, talked from this podium on his next visit to Jerusalem, and he said to touch those great stones of the Western Wall that still speak to us over all the tragic ages—stones which remained the enduring foundation of faith that has survived the unthinkable and accomplished the impossible.

These are words that come from the heart of people who share our aspirations, because Jerusalem is more than a city. It is a great ideal. It is sacred to the three great faiths of the world—to Islam, to Christianity and to Judaism. And it is something that we will always hold as precious for them as it is for us. (Applause.) It is the city on the hill. It is often the city of harsh reality and conflict, but it's also the city of light and dreams. And it is the city of song and prayer—prayer for a better world, prayer that there will be peace for men and women of good will, that we will see this peace in our lifetime and bequeath it to our children for all time. The people of Israel and the government of Israel are determined to do whatever is possible to realize this hope for peace—peace for Jerusalem, peace for Israel, peace for Israel's neighbors. And with your help—all of your help—I am sure we will succeed in this effort. Thank you. (Applause.)

I want to thank Senators Stevens and Kerry for having the patience to endure. And I have to apologize to them and to you—I have a plane to catch. It's mine—(laughter)—but I have an appointment in Jerusalem. So I want to say thank you again, and see you soon in Jerusalem—not next year, but this year. Thank you. (Applause.)

RETIREMENT OF PAUL HOLLOWAY, NASA LANGLEY RESEARCH CENTER

HON. ROBERT C. SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 14, 1997

Mr. SCOTT. Mr. Speaker, I rise today on behalf of Congressman HERB BATEMAN and myself to pay tribute to Dr. Paul F. Holloway on the occasion of his recent retirement from the National Aeronautics and Space Administration, or NASA. During a career spanning nearly 37 years, which included over 5 years as the director of NASA's Langley Research Center in Virginia, Mr. Holloway exemplified the leadership, wisdom, and scientific achievement for which NASA has long been proud.

Following graduation from the Virginia Polytechnical Institute and State University, Paul began his distinguished career at NASA as an aerospace research engineer. By 1972 he was

already the chief of the Space Systems Division, and, only 3 years later, was named the Director for Space. In this position, Mr. Holloway led efforts in advanced space transportation, the space station, large space antenna research, and Langley's atmospheric science programs. As a fitting pinnacle of a dedicated career, Paul was named as the 6th director of the Langley Research Center in 1991.

Among Paul's awards and honors are an honorary doctorate from Old Dominion University in our home State, membership in the International Academy of Astronautics, the Presidential Rank of Meritorious Service, the Senior Executive Service's Distinguished Presidential Rank award—presented in 1987 and again in 1993—and NASA's Equal Employment Opportunity Medal for ''exemplary leadership, commitment to equity, diversity, and excellence . . . .''

Under Paul Holloway's leadership, the NASA Langley Research Center has continued its 80 years of invaluable service to the Nation's scientific, space, and aeronautic research and development efforts and he has helped it to achieve worldwide recognition. Thanks in large part to Paul's direction, NASA as an agency—and the Langley Research Center in particular—are now both on a direct course toward the 21st century, ready to expand on the proud achievements and heritage which has been the hallmark of the National Aeronautics and Space Administration. The Nation owes a debt of gratitude to Paul Holloway and, Mr. Speaker, I am proud to take the opportunity today to recognize his service publicly.

H.R. 1003, THE ASSISTED SUICIDE FUNDING RESTRICTION ACT

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 14, 1997

Mr. POMEROY. Mr. Speaker, on Thursday, April 10, 1997, I was absent from this Chamber to be home in North Dakota attending to the flooding crisis plaguing large areas of my district. On the 10th, I accompanied Mr. James Lee Witt, Director of the Federal Emergency Management Agency, on a visit to North Dakota to coordinate the Federal response to the disaster declared in the State in the wake of recent blizzards and flooding.

Unfortunately, attending to the flooding crisis back home caused me to miss the vote on H.R. 1003, the Assisted Suicide Funding Restriction Act. I strongly support this legislation, and had I been in the House on Thursday, would have voted for its passage. The debate over assisted suicide implicates some of the most troubling moral and ethical questions in today's society. Issues such as whether vulnerable populations might be targeted for assisted suicide and whether patients grappling with depression and severe illness can make sound choices on this matter demonstrate the troubling consequences of an embrace of assisted suicide. In addition, many Americans' strong religious convictions lead them to abhor suicide in any situation. These factors—and the resulting extreme controversy of the practice—make it abundantly clear that the Federal Government should not be in the business of using taxpayer dollars to fund assisted suicide. H.R. 1003 ensures that this will not occur and consequently has my strong support.

PERSONAL EXPLANATION

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 14, 1997

Mr. RADANOVICH. Mr. Speaker, regrettably, I was unable to attend the vote on the floor of the House of Representatives on H.R. 1003, the Assisted Suicide Funding Restriction Act, on April 10, 1997. Had I been present for this vote, I would have voted in support of the measure, as I believe that American taxpayers should not be required to subsidize the practice of euthanasia, that is, assisted suicide.

The U.S. Supreme Court has heard oral arguments for two cases concerning the constitutionality of euthanasia. One case is 95–1858, *Vacco* v. *Quill,* and the other one is 96–110, *Washington* v. *Glucksberg.* Both are pending a decision.

H.R. 1003, the Assisted Suicide Funding Restriction Act, is a necessary measure to protect the Federal Government from potentially having to provide Federal funds, under the guise of health care, to be used for euthanasia.

THE BANK OF GUAM: 25 YEARS OF EXCELLENT SERVICE TO THE PEOPLE OF GUAM

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Monday, April 14, 1997

Mr. UNDERWOOD. Mr. Speaker, responsibility, service, commitment—these noble words are fitting descriptions for the role Bank of Guam has played on Guam for the past 25 years. Chartered for operation on March 13, 1972, the Bank of Guam was the brainchild of Mr. Jesus S. Leon Guerrero, cofounder and chairman of its board of directors, and the late Mr. Jose L.G. Untalan.

Out of concern for the people of Guam, Mr. Leon Guerrero and Mr. Untalan decided to take on the responsibility of establishing a full service banking institution tailoring to the needs of island residents. Not only did they see this type of institution sorely lacking on Guam, as pioneering businessmen, they were also driven by a desire to service their island community utilizing their business acumen.

December 11, 1972, was opening day for Mr. Leon Guerrero, Mr. Untalan, and 13 staff members. From its humble beginnings in the Santa Cruz area of Agana to branches in Saipan, Rota, Tinian, Chuuk, Pohnpei, Majuro, Ebeye, Kwajalein, Palau, and San Francisco, the Bank of Guam has expanded to tremendous proportions. Their services range from full service banking, to ATM machines, to investment opportunities, to home banking. Currently managed by a cadre of business professionals following in the footsteps of the two founders, the Bank of Guam is fulfilling its promise to the people of Guam and to the people of Micronesia as a responsible banking institution.

In conjunction with the hallmarks of responsibility and service, Bank of Guam is also known for its sincere commitment to the community as a whole. This commitment has made it possible for its successful operation during these past 25 years. With competent staff members and an experienced board of directors, Bank of Guam is leading the banking community in our region into the 21st century.

Mr. Speaker, although this is a mere outline of Bank of Guam's numerous accomplishments, one can clearly comprehend the overwhelming positive impact this institution has had, and will continue to have, on the people of Guam and Micronesia. On this occasion of their silver anniversary, I am submitting this Record as testimony of their significant achievements. For 25 years, the Bank of Guam has faithfully served our island communities, and I believe that it will continue to provide excellent services. In the words of Mr. Jesus Leon Guerrero, ''There are two fundamental reasons why I wanted to take the risk in starting the Bank of Guam. No. 1, provide a service to the community that was not available, and then two, back up that service with a commitment to take care of our people.'' The Bank of Guam has proven itself numerous times with respect to this philosophy.

Congratulations to the Bank of Guam for 25 years of dedicated service to the community. The legacy which the original pioneers—Jesus S. Leon Guerrero and Jose L.G. Untalan—left behind will continue to be strong, vibrant and beneficial to the people of Guam for generations to come. We have every confidence that current president, Tony Leon Guerrero, and his excellent staff will build on that legacy.

In Chamorro we refer to the Bank of Guam as Bangkon Ifet—the Bank of Ifil. Ifil is the hardest wood which can be found in Guam. The Bank of Guam has become synonymous with the strength and durability which the ifil tree represents. More importantly, both the Bank of Guam and the ifil tree represent growth from the soil and soul of Guam. Si Yu'os Ma'ase Bangkon Ifet.

IN MEMORIAM OF BLANCHE WOLFF

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 14, 1997

Mr. ACKERMAN. Mr. Speaker, I rise in sorrow over the passing of Blanche Wolff, a friend, a constituent and the wife of our former colleague, Lester Wolff.

Lester held the seat which I now represent for eight terms; over the years, I have come to know the family quite well. Beside him, always rendering counsel and advice was his helpmate of 58 years, Blanche, a compassionate able lady who was loved by constituents to whom she was always available. Theirs was a romance that began in elementary school and flourished through the years.

Blanche was born in New York City, matriculated at Hunter College and graduated with an accounting degree in 1940. She was a selfeffaciing person who was comfortable with heads of state whom she met with Lester, and as well was always sensitive to the needs of those less fortunate than her.

During World War II she volunteered for the security detail at the LaGuardia airport control tower. Never one to pursue her own place in the spotlight, she was the doting parent of Diane and Bruce and glorified in their careers as well as Lester's.

Blanche held strong views in the area of human rights and she used for good purpose the influence that her position allowed. She was an active participant in ORT, Hadassah, Association to Help Retarded Children and the NAACP. She truly exemplified American womanhood: A modern woman who grew with the times, but one who never forgot her heritage or her principles.

This land of ours is better for Blanche; its loss is even greater.

I have lost a constituent. America has lost one of its great ladies.

ON ANDREW McCOLLUM'S ATTAINMENT OF EAGLE SCOUT

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, April 14, 1997

Mr. KUCINICH. Mr. Speaker, I rise to honor Andrew McCollum of North Olmsted, OH, who will be honored this month for his recent attainment of Eagle Scout.

The attainment of Eagle Scout is a high and rare honor requiring years of dedication to self-improvement, hard work and the community. Each Eagle Scout must earn 21 merit badges, twelve of which are required, including badges in: lifesaving; first aid; citizenship in the community; citizenship in the Nation; citizenship in the world; personal management of time and money; family life; environmental science; and camping.

In addition to acquiring and proving proficiency in those and other skills, an Eagle Scout must hold leadership positions within the troop where he learns to earn the respect and hear the criticism of those he leads.

The Eagle Scout must live by the Scouting Law, which holds that he must be: trustworthy, loyal, brave, helpful, friendly, courteous, kind, obedient, cheerful, thrifty, clean, and reverent.

And the Eagle Scout must complete an Eagle Project, which he must plan, finance and evaluate on his own. It is no wonder that only 2 percent of all boys entering scouting achieve this rank.

Andy's Eagle Project was the clean up of an island in the Cleveland Metro Park system which will enable animals and birds to feed and reclaim the island as part of a vibrant local ecology.

My fellow colleagues, let us join boy Scouts of America Troop 53 in recognizing and praising Andy for his achievement.

CONGRATULATIONS TO TEMPLE BETH ZION-BETH ISRAEL SYNAGOGUE

HON. CHAKA FATTAH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 14, 1997

Mr. FATTAH. Mr. Speaker, on the occasion of the 50th anniversary of the Temple Beth Zion-Beth Israel Synagogue, in Philadelphia, PA, the congregation and community at large will celebrate with the recitation of the Kiddush Proceed and festive music. Located in central Philadelphia, Temple Beth Israel was established in 1840 and is the third oldest congregation in the Philadelphia. This historic congregation merged with Beth Zion (1946) in 1964.

In 1984, the Neziner congregation merged with Temple Beth Zion-Beth Israel. Today, the Neziner congregation would have been over 100 years old. All the artifacts from the Neziner Synagogue were carefully and lovingly placed at Beth Zion-Beth Israel in the lower level referred to as the Neziner Chapel.

This multicultural congregation represents Beth Israel members from Germany and Poland, and Neziner members from Russia and eastern Europe. Beth Zion members are offspring of both waves of immigrants who defied flight to the suburbs and created a major Jewish congregation in the heart of this great American city.

The present quarters, a gothic stone structure of the 19th century known as "A jewel of a synagogue," with its lofty tower, is reminiscent of the ancient synagogue in Prague, with its distinctive architecture. The sound interior upholds the concept of the threefold function of a synagogue: a house of worship; an area of study; and a meeting place. Some of the services provided to the congregation include a Hebrew School and Youth Activities Program for youth age 1½ through high school. Additionally, the synagogue offers an Adult Education Studies Program which is open to the public.

The anniversary of this great American multicultural Jewish synagogue is worthy of mention to remind us of the extent to which diversity is an integral part of the American character.

ISRAELI PRIME MINISTER NETANYAHU'S ADDRESS TO THE "VOICES UNITED FOR ISRAEL" CONFERENCE

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 14, 1997

Mr. GILMAN. Mr. Speaker, last week Israeli Prime Minister Benjamin Netanyahu gave a major address to the participants of the Voices United for Israel Conference in Washington, DC. Comprised of 200 Christian and Jewish organizations, Voices United for Israel collectively represents 40 million Americans whose support for Israel and its security are strong.

Because the Prime Minister's remarks were especially noteworthy, I would like to take this opportunity to share his speech with my colleagues, and therefore request that it be reprinted at this point in the CONGRESSIONAL RECORD.

ISRAELI PRIME MINISTER BENJAMIN NETANYAHU AT "VOICES UNITED FOR ISRAEL" BREAKFAST

(By Prime Minister Netanyahu)

I may be 7,000 miles from Jerusalem, but I feel very much at home here. And I think the main reason is that you, too, feel that Jerusalem is your home too. Jerusalem is the home of all of those who believe in our values—in our values of freedom, in the dignity of man, in democracy, in peace, in belief and faith in the Almighty. That is what Jerusalem is.

Some describe it today as "Arab East Jerusalem." This is the place where David ruled. This is the place where Isaiah prophesied his eternal prophesies. This is the place where I walk and I feel my ancestors' footsteps on those stones, on those paths, on that ground. Jerusalem was, is, and will always be the capital of the Jewish people.

Jerusalem is the City of David, the City on a Hill, the city which the nation of Israel has cherished as its capital for 3,000 years. And it is something that defies all rational explanations. The connection of the Jewish people to its land and to its eternal city has broken all the laws of history.

It is more powerful than all the laws of history because it expresses the deepest yearning of the human soul and of a people to reach its salvation, to return once again to the crucible in which it was formed, in which its most cherished values were forged, and in which its future and its destiny can be realized once again. That is what Jerusalem means for all of us. (Applause.)

So it's not just a city. It is a great city, but it is also an ideal and, I think, an expression not only of the Jewish people's but of mankind's loftiest aspirations.

I know there are attempts to divide the city. It is done sometimes directly, sometimes obliquely, sometimes by challenging our rights to build apartments, for God's sake, in our city—apartments. (Laughter, applause.) But I want to assure you today, we will never allow Jerusalem to be redivided again—ever, never. We will keep the city united, and we will continue to do what we have done for the last two decades—three decades—and that is to keep it an open city, a city of peace, a city accessible to all three great faiths.

And it is only under Israel, in the close to 2,000 years since our dispersion and exile, that we have enabled that city to be open to every believer and every worshiper. That was not the case—it was not the case when the city was ruled by others. It was not the case in the 19 years from the start of the state of Israel, when the city was conquered—that eastern part of the city was conquered, and Jews were barred from the holiest place for the Jewish people, the Western Wall. And you know the fate of Christians in Jerusalem as well. That has changed forever.

We will keep Jerusalem united and we will keep Jerusalem open and accessible for unfettered worship for all Christians and Muslims and Jews. And we shall never resurrect those ramparts.

Now you have heard many things about Har Homa. You have heard that it is an Arab-occupied land in East Jerusalem—a settlement. Indeed. Well, first of all, it's not in East Jerusalem, it's in the southern part of Jerusalem. Secondly, it's not Arab-occupied land, it is land that is 75 percent private Jewish land—by the way, expropriated by the Labor government, god forbid. (Laughter.) The Likud didn't do this. There must be something wrong with this model! (Laughter.) And it is not, as was said, a settlement—not that I have anything against settlements, as you know. But it happens to be a neighborhood.

You can go out of this hotel and you can see a neighborhood: streets, apartments, groceries, supermarkets. What's wrong with that? Nothing.

This is what happens in cities; they grow. People get married, they have children, they need apartments. And that's what governments do. Preferably, they don't build; they allow contractors to build. We call that private initiative. But that's what we're doing.

We're allowing contractors to build in Har Homa for the Jewish couples who need it. But we're also allowing constructions and contracts to build, in 10 Arab neighborhoods, actually a greater number of apartments, in the next three years, than in Har Homa, for Palestinian couples. Why not? That is what we do as a sovereign and a united Jerusalem. We take care of all its residents; Palestinians and Israelis; Moslems, Christians and Jews—everyone—and that is our right; that is our obligation. Now, this simple act has been described as an ''act of terrorism''—the terrorism of the walk-up rentals—(laughter)—the terrorism of the condominiums. (Laughter.) Now you laugh; it's not a laughing matter. I'll explain to you why; because people take this seriously. And this is used to justify the most savage crimes that we can conjure up. And a few weeks ago, this was used to justify the blowing up of a cafe in downtown Tel Aviv, where three young women were murdered, one of them carrying an unborn child and another leaving a scarred baby, whose scars may get healed, one hopes, but who will grow up never knowing her mother, who died in that blast. And 50 others were wounded as well. And this is justified.

Well, it's explained; it's not justified. The line goes like this: They say—because you have to say it—that nothing justifies terrorism. ''But you have to understand,'' they say, ''that these people had no remedy because of the terrorism of the bulldozers. They felt they had to do something to vent out their frustration.''

Now this is a peculiar argument, because I want to give you a corollary argument. If this is true, then we must understand another individual who, seeing hundreds of his countrymen being blown up in the streets of Tel Aviv and Jerusalem and Haifa and everywhere a few years ago by Palestinian terrorists, seeing that there was no recourse from the government at the time, he said, ''I have to have a remedy. I have to act!'' and he went into a mosque, into the cave of the Tomb of the Patriarchs, the Machpela Cave, and he gunned down 40 worshipers. Would anyone think of saying, ''We have to understand it; he had no other recourse, he had to remedy, he had to seek a remedy''? Of course not. We condemned it—everyone in Israel. I condemned it, with the greatest force that I could muster, because nothing justifies the murder of innocent people—nothing, ever—nothing!

If we accept, even in the insidious language that is used to exculpate and explain and wash away these crimes—if we accept that, we vitiate the whole notion of war crimes, because what is a war crime? For centuries, indeed millennia, there was no such thing as a war crime. We had savagery perpetrated and savagery justified.

But for the last 150 years, humanity is making an effort—difficult—we've seen in this century how difficult—to define limits to conflict. And we say that even though mankind has not yet reached Isaiah's peace—and, yes, we still have swords that we haven't beaten into plowshares—we cling to the dream. But even as we are living in this imperfect world, we set limits to the use of swords. And we say that we don't deliberately murder men, women, and children—innocent people.

We divide the world into two. On the one side are combatants—soldiers. On the other side are civilians. We may engage combatants, and we may, on occasion—not deliberately, accidentally, in times of war—hurt and even kill civilians. But we dare not deliberately cross the line and systematically and purposefully murder civilians—men, women, children, babies.

And if we do, that is called a war crime. That means that when you gas babies, that is a war crime. Not everything is allowed. Terrorism is a war crime. And when we say that there has to be a remedy, an understanding, an exculpation, a justification, understand these people, you are saying, ''Understand war criminals.'' We will never understand these war criminals! We will always fight them. Nothing justifies terrorism. Everything justifies a battle against terrorism—everything.

And to create this monstrous equation, we are being told that our building of these flats is a ''declaration of war.'' What a concept of peace! What an inversion of language, what a perversion of the basic concepts that guide our civilization. I can't think of something more insidious.

I think there is nothing more destructive of achieving a real peace than doing such injury to the truth. And the truth is simple; terrorism is incompatible with the peace process. It's incompatible with peace. It's one or the other, but not both. The whole idea of peace is that you live in peace. What does peace mean? It's not being blown to pieces; it means coming back home in one piece.

Ant terrorism is that exact opposite of this. It's not only not morally justified; it's practically impossible to seek peace, to engage in the quest for peace and at the same time sanction terrorism. And, therefore, we have put forward a simple proposition; the other side took on obligations; we took on obligations. And we didn't like this agreement, but we said orderly governments keep their agreements; we keep ours. Sometimes this mandates very difficult decisions on our part, and I have taken them. But we expect the other side to keep their part.

For example, they have a covenant calling for the destruction of Israel; they promised to annul it—annul it—finish it. This is an obligation. For another, they promised to fight terrorism emanating from their own domains. Fight terrorism; keep your obligation. Sadat came to Jerusalem; he understood this very clearly. He said, ''No more war, no more bloodshed.'' He didn't say: ''Oh, well, we now have protracted negotiations. And if you don't do what I want, there'll be bloodshed.'' He said, ''Once we enter the path of peace, we leave the path of bloodshed.''

This is what we expect from our negotiating partners. This is what they have to demand of themselves, if they want to be accepted as genuine partners for peace—peace—and not terror.

Now there has been some talk about our giving something, making a concession in return for a real crackdown by the Palestinian Authority on the terrorist organization. And this means, pure and simple, surrender to terrorism. We are being told to pay for the privilege of not being killed. We are not going to do that.

We demand, as is our right, 100 percent effort against terrorism. We know there can't be 100 percent success, although I must tell you, that another government right now is negotiating, under somewhat analogous conditions—all analogies are imperfect—but the British government is negotiating with the Sinn Fein right now, and they are saying, ''A complete cessation of terrorism; otherwise, we don't talk.''

Well, we're in a different process. We have inherited it. We don't say that, because we also know that there are fanatics around who could upset the process, if they operate against the wishes of our negotiating partners. Now that, on occasion, can happen.

It happened two weeks ago—three weeks ago—in a terrible incident along the Jordan. And the Jordan—the Jordan's water was stained with the blood of seven young girls, 12- and 13-year-olds. And a Jordanian soldier broke ranks fired at them, killed them, in an act of savage terrorism.

We didn't blame Jordan. We didn't blame the army of Jordan; we know it's doing all it can to fight terrorism.

We didn't blame the security forces of Jordan; we know they're doing all they can to fight terrorism. We didn't blame the king of Jordan because we know he's doing all he can to fight terrorism. Indeed, you saw him coming to the families, and therein lies the difference. They are making a hundred-percent effort; it, however, there can't be a hundred-percent success.

But look at what is happening on the other side. A hundred-percent effort? Almost zero effort, and at times zero and worse than zero, because a few weeks ago they gave the green light to terrorism. We know they have a capacity to control the terrorists. They have shown it for the last year. Fearing the consequences, they kept tight—a very tight lid on these terrorists. They incarcerated them; they took action against them. But now, witnessing a first impasse, understanding that this is a different government that will not redivide Jerusalem, will not go back to the '67 boundaries, will not establish an armed Palestinian state on our borders, they understand that now.

They want to bend our will by giving the green light to these people, to these criminals, and this will not do; not merely because we will bend—that's obvious—but also because we cannot have peace this way. And if we want peace, they must fight terrorism. That is their obligation. We will fight terrorism, too, I assure you, and we do. And there are many, many successes of which you don't hear because it never comes to pass. But we have every right to demand from our partners for peace, to be partners for peace. And this is what I have come to say here in Washington, and this is what I say also back home in Israel. And this is what I want you to say, far and wide in this country, because we have not only a struggle for peace, we have a struggle for the truth. And I need your help to get the truth out. We have no greater friend and no greater ally than the truth. And we have no greater friends and no greater allies than the people sitting today in this room. And I salute you, and I thank you for helping us pursue this goal.

I think we can convince the world of our justice, the justice of our cause. And I think that you can play an immeasurable role in that part. You can make it clear to the American people, of all persuasions, that the road through peace or to peace goes through the negotiating table, not through the slaughter of women and children. You can convince all fair-minded people that if we allow terrorism to prevail, that if we make concessions to appease terrorists, we will be like those of whom the prophet Jeremiah said, they—he described them as saying, ''Peace, peace,'' when there is no peace. Well, we want there to be peace, and you can tell our friends, your friends and ours, that together we can achieve such a peace, a peace that will last, a peace that will bring prosperity and progress and, above all, security to the people of the Middle East. It is time for that kind of peace. It is time that the children of Israel and the children of the Palestinians will be free to live free of violence, free to enjoy the fruits of God's Earth. It is time for that genuine peace. And that is the peace we aim to achieve and which, I believe, that with your help and with God's help, we will bring to our part of the Earth. Thank you.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, April 15, 1997, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

APRIL 16

9:30 a.m.
Labor and Human Resources
To resume hearings on proposed legislation authorizing funds for programs of the Higher Education Act.
SD–430

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of the Army.
SD–192

Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Federal Communications Commission.
S–146, Capitol

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Transportation, focusing on aviation safety and security.
SD–124

Armed Services
Airland Forces Subcommittee
To resume hearings on S. 450, the National Defense Authorization Bill for Fiscal Years 1998 and 1999, focusing on tactical aircraft modernization plans.
SR–222

Finance
To hold hearings on education tax proposals, including S. 1, to provide safe and affordable schools.
SD–215

Governmental Affairs
To hold hearings on the Census in the year 2000.
SD–342

Judiciary
To hold hearings on S.J. Res. 6, proposing an amendment to the Constitution of the United States to protect the rights of crime victims.
SH–216

2:00 p.m.
Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Education.
SD–124

Armed Services
Strategic Forces Subcommittee
To hold hearings on S. 450, the National Defense Authorization Act for Fiscal Year 1998, focusing on information warfare programs, policies, and issues.
SR–222

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on the President's proposed budget for fiscal year 1998 for Federally-funded research and development projects and to examine associated trends.
SR–253

Governmental Affairs
Oversight of Government Management, Restructuring and the District of Columbia Subcommittee
To hold hearings to examine the Federal Government's role in television programming.
SD–342

Judiciary
Youth Violence Subcommittee
To hold hearings to examine the need for more juvenile bedspace and juvenile record-sharing.
SD–226

Select on Intelligence
To hold closed hearings on intelligence matters.
SH–219

APRIL 17

9:00 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings on crop and revenue insurance issues.
SR–332

Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Forest Service of the Department of Agriculture.
SD–192

9:15 a.m.
Governmental Affairs
Oversight of Government Management, Restructuring and the District of Columbia Subcommittee
To hold hearings to examine opportunities for improvement in the public schools of the District of Columbia.
SD–342

9:30 a.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of the Treasury, focusing on law enforcement programs.
SD–124

Labor and Human Resources
Employment and Training Subcommittee
To hold hearings to examine innovations in youth training.
SD–430

Rules and Administration
Business meeting, to consider the committee's course of action concerning petitions filed in connection with a contested U.S. Senate election held in Louisiana in November 1996.
SR–301

Veterans' Affairs
To hold hearings to examine Persian Gulf War issues.
SH–216

10:00 a.m.
Armed Services
Readiness Subcommittee
To resume hearings on S. 450, the National Defense Authorization Act for Fiscal Years 1998 and 1999, focusing on the status of the operational readiness of the U.S. military forces.
SR–222

Commerce, Science, and Transportation
Oceans and Fisheries Subcommittee
To hold hearings on S. 39, to revise the Marine Mammal Protection Act of 1972 to support the International Dolphin Conservation Program in the eastern tropical Pacific Ocean.
SR–253

Finance
To hold hearings on certain revenue raising provisions of the President's proposed budget for fiscal year 1998.
SD–215

Foreign Relations
To resume hearings on the ratification of the Chemical Weapons Convention (Treaty Doc. 103-21).
SD–419

Judiciary
Business meeting, to consider pending calendar business.
SD–226

10:30 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for foreign assistance programs, focusing on Korea, Burma, and Hong Kong.
SD–138

1:30 p.m.
Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Supreme Court of the United States and the Judiciary.
S–146, Capitol

2:00 p.m.
Foreign Relations
Near Eastern and South Asian Affairs Subcommittee
To hold hearings to review U.S. efforts relating to the proliferation of Iran.
SD–419

Select on Intelligence
To hold closed hearings on intelligence matters.
SH–219

APRIL 18

9:30 a.m.
Labor and Human Resources
To hold hearings to examine proposals to improve the health status of children.
SD–430

10:00 a.m.
Foreign Relations
To hold hearings on the nomination of Thomas R. Pickering, of New Jersey, to be Under Secretary of State for Political Affairs.
SD–419

APRIL 22

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the National Science Foundation and the Office of Science and Technology Policy.
SD–192

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Environmental Management Program of the Department of Energy.
SD–124

Indian Affairs
To hold hearings on S. 459, to authorize funds for and extend the Native American Programs Act of 1974.
SR–485

10:00 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Agricultural Research Service, the Cooperative State Research, Education, and Extension Service, the Economic Research Service, and the National Agricultural Statistics Service, all of the Department of Agriculture.
SD–138

2:00 p.m.
Judiciary
Antitrust, Business Rights, and Competition Subcommittee
To hold hearings to examine the antitrust implications of the British Airways and American Airlines Alliance.
SD–226

APRIL 23

9:30 a.m.
Labor and Human Resources
To resume hearings on proposed legislation authorizing funds for programs of the Higher Education Act.
SD–430

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Defense, focusing on medical programs.
SD–192

Appropriations
District of Columbia Subcommittee
To hold hearings on an additional funding request for fiscal year 1997 by the District of Columbia Financial Responsibility and Management Assistance Authority for capital improvements to D.C. public schools and for public safety agencies.
SD–138

Armed Services
To hold hearings on the Administration's proposal on NATO enlargement.
SH–216

APRIL 24

9:30 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the National Endowment for the Arts/National Endowment for the Humanities.
SD–192

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Corp of Engineers and the Bureau of Reclamation, Department of the Interior.
SD–124

10:00 a.m.
Labor and Human Resources
To hold hearings to examine issues relating to vocational education.
SD–430

APRIL 29

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Veterans Affairs.
SD–138

Energy and Natural Resources
To hold oversight hearings to review a GAO evaluation of the development of the Draft Tongass Land Management Plan.
SD–366

Indian Affairs
Business meeting, to mark up S. 459, to authorize funds for and extend the Native American Programs Act of 1974; to be followed by an oversight hearing on the implementation of the San Carlos Water Rights Settlement Act of 1991 (P.L. 102–575).
SR–485

10:00 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Commodity Futures Trading Commission, and the Food and Drug Administration, Department of Health and Human Resources.
SD–124

Labor and Human Resources
To hold hearings on proposed legislation authorizing funds for programs of the National Endowment for the Arts and the Humanities.
SD–430

APRIL 30

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Defense, focusing on the structure and modernization of the National Guard.
SD–192

MAY 1

9:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of the Interior.
SD–192

9:30 a.m.
Labor and Human Resources
Public Health and Safety Subcommittee
To hold hearings to examine biomedical research priorities.
SD–430

MAY 6

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the National Aeronautics and Space Administration.
SD–138

MAY 7

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Defense.
SD–192

MAY 14

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Defense, focusing on environmental programs.
SD–192

MAY 21

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Defense, focusing on Air Force programs.
SD–192

JUNE 4

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Defense.
SD–192

JUNE 11

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Defense.
SD–192

CANCELLATIONS

APRIL 15

2:00 p.m.
Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on counter-terrorism issues.
S–146, Capitol

POSTPONEMENTS

APRIL 15

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Housing and Urban Development.
SD–138

APRIL 16

10:00 a.m.
Small Business
Business meeting, to mark up S. 208, to provide Federal contracting opportunities for small business concerns located in historically underutilized business zones.
SR–428A

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Monday, April 14, 1997

Daily Digest
Senate

Chamber Action

Routine Proceedings, pages S3067–S3133

Measures Introduced: Nine bills and one resolution were introduced, as follows: S. 563–571 and S. Res. 71. **Page S3117**

Nuclear Waste Policy Act: Senate continued consideration of S. 104, to amend the Nuclear Waste Policy Act of 1982, taking action on the following amendments proposed thereto: **Pages S3077–S3113**

Adopted:

Reid (for Wellstone) Amendment No. 29 (to Amendment No. 26), to ensure that emergency response personnel in all jurisdictions on primary and alternative shipping routes have received training and have been determined to meet standards set by the Secretary before shipments of spent nuclear fuel and high-level nuclear waste. **Pages S3077–82**

Reid (for Wellstone) Amendment No. 30 (to Amendment No. 26), to express the sense of the Senate regarding Federal assistance for elderly and disabled legal immigrants. **Pages S3077, S3082–84**

Murkowski (for Lott) Amendment No. 44 (to Amendment No. 30), regarding assistance for elderly and disabled legal immigrants. **Page S3084**

Pending:

Murkowski Amendment No. 26, in the nature of a substitute. **Pages S3077–S3113**

Lott (for Domenici) Amendment No. 42, (to Amendment No. 26), to provide that no points of order, which require 60 votes in order to adopt a motion to waive such point of order, shall be considered to be waived during the consideration of a joint resolution under section 401 of this Act.

Pages S3077, S3084–86, S3090–92

Lott (for Murkowski) Amendment No. 43 (to Amendment No. 42), to establish the level of annual fee for each civilian nuclear power reactor.

Pages S3077, S3084–86, S3090–92

Bingaman Amendment No. 31 (to Amendment No. 26), to provide for the case in which the Yucca Mountain site proves to be unsuitable or cannot be licensed and to strike the automatic default to a site in Nevada. **Pages S3086, S3092–S3113**

Senate will continue consideration of the bill on Tuesday, April 15, 1997, with a vote on final passage to occur thereon.

Nominations Received: Senate received the following nominations:

Eric H. Holder, Jr., of the District of Columbia, to be Deputy Attorney General.

3 Air Force nominations in the rank of general. **Page S3133**

Communications: **Pages S3116–17**

Executive Reports of Committees: **Page S3117**

Statements on Introduced Bills: **Pages S3117–25**

Additional Cosponsors: **Pages S3125–26**

Amendments Submitted: **Page S3127**

Notices of Hearings: **Page S3127**

Authority for Committees: **Page S3127**

Additional Statements: **Pages S3127–33**

Adjournment: Senate convened at 10 a.m., and adjourned at 6:11 p.m., until 9 a.m., on Tuesday, April 15, 1997. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S3133.)

Committee Meetings

(Committees not listed did not meet)

TAX FREEDOM

Committee on Finance: Committee held hearings to review the Tax Foundation's report entitled "Tax Freedom Day 1997", detailing the computation of the number of days Americans must work before they have paid their tax bill, receiving testimony from J.D. Foster and Patrick Fleenor, both of the Tax Foundation, Washington, D.C.

Hearings were recessed subject to call.

CONSUMER CREDIT

Committee on the Judiciary: On Friday, April 11, Subcommittee on Administrative Oversight and the Courts concluded hearings to examine the increase of personal bankruptcies and the crisis in consumer credit, after receiving testimony from Kim

Kowalewski, Chief, Financial and General Macroeconomic Analysis Unit, Congressional Budget Office; Michael E. Staten, Purdue University, West Lafayette, Indiana; Ian Domowitz, Northwestern University, Evanston, Illinois; Edward Bankole, Moody's Investors Service, New York, New York; Michael McEneney, Morrison and Foerster, Washington, D.C.; Donald Banks, Dayton Hudson, Minneapolis, Minnesota; Ken Crone, Visa USA Inc., Fluster City, California; Gerald P. Wixted, Consumer Credit Counseling Services, Philadelphia, Pennsylvania; Jean Ryan, Miami, Florida.

FDA REFORM

Committee on Labor and Human Resources: On Friday, April 11, committee concluded hearings on proposals to reform the performance, efficiency, and use of resources of the Food and Drug Administration, after receiving testimony from Gordon Binder, Amgen Incorporated, Thousand Oaks, California, on behalf of the Pharmaceutical Research and Manufacturers of America and the Biotechnology Industry Association; Roger L. Foster, Mylan Pharmaceuticals Incorporated, Morgantown, West Virginia, on behalf of the National Pharmaceutical Alliance; Stephen L. Ferguson, Cook Group Incorporated, Bloomington, Indiana, on behalf of the Health Industry Manufacturers Association, the Medical Device Manufacturers Association, and the National Electrical Manufacturers Association; Sidney M. Wolfe, Public Citizen, and Cynthia A. Pearson, National Women's Health Network, on behalf of the Patient Coalition, both of Washington, D.C.; and Adolph S. Clausi, Cos Cob, Connecticut, on behalf of the Grocery Manufacturers Association and the National Food Processors Association.

House of Representatives

Chamber Action

Bills Introduced: 6 public bills, H.R. 1315–1320 were introduced. **Page H1456**

Reports Filed: Reports were filed as follows:

H.R. 1001, to extend the term of appointment of certain members of the prospective Payment Assessment Commission and the Physician Payment Review Commission (H. Rept. 105–49 Part II);

H.R. 1226, to amend the Internal Revenue Code of 1986 to prevent the unauthorized inspection of tax returns or tax return information, amended (H. Rept. 105–51);

H.R. 1090, to amend title 38, United States Code, to allow revision of veterans benefits decisions based on clear and unmistakable error (H. Rept. 105–52);

H. Res. 112, providing for consideration of motions to suspend the rules (H. Rept. 105–53); and

H. Res. 113, providing for consideration of H.J. Res. 62, proposing an amendment to the Constitution of the United States with respect to tax limitations (H. Rept. 105–54). **Page H1456**

Speaker Pro Tempore: Read a letter from the Speaker wherein he designated Representative Pease to act as Speaker pro tempore for today. **Page H1443**

Bipartisan Task Force on Reform of the Ethics Process: Agreed by unanimous consent that the order of the House of February 12, 1997 be extended through April 16, 1997. On February 12, in furtherance of the understanding concerning the establishment of the ethics task force, it was made in order that during the period beginning immediately and ending on April 11, 1997: (1) the Committee on Standards of Official Conduct may not receive, renew, initiate, or investigate a complaint against the official conduct of a member, officer, or employee of the House; (2) the Committee on Standard of Official Conduct may issue advisory opinions and perform other non-investigative functions; and (3) a resolution addressing the official conduct of a member, officer, or employee of the House that is proposed to be offered from the floor by a member other than the Majority Leader or the Minority Leader as a question of the privileges of the House shall once noticed pursuant to clause 2(a)(1) of Rule IX, have precedence of all other questions except motions to adjourn only at a time or place designated by the chair in the legislative schedule within two legislative days after April 11, 1997. **Page H1443**

Recess: The House recessed at 4:04 p.m. and reconvened at 6:28 p.m. **Page H1455**

Referrals of Senate Passed Measures: S. Con. Res. 20, expressing the sense of Congress regarding the status of the investigation of the bombing of the Israeli Embassy in Buenos Aires in 1992 was referred to the Committee on International Relations. **Page H1455**

Senate Messages: Message received from the Senate today appears on page H1443.

Quorum Calls—Votes: No quorum calls or recorded votes developed during the proceedings of the House today.

Adjournment: Met at 2 p.m. and adjourned at 6:30 p.m.

Committee Meetings

MEDICARE PREVENTIVE BENEFITS AND QUALITY STANDARDS

Committee on Commerce: On April 11, the Subcommittee on Health and Environment held a hearing on Medicare Preventive Benefits and Quality Standards. Testimony was heard from Speaker Gingrich; Representative Nethercutt; Bernice Steinhardt, Director, Health Services Quality and Public Health Issues, GAO; and public witnesses.

IRS MISMANAGEMENT—IDEAS FOR IMPROVEMENT

Committee on Government Reform and Oversight: Subcommittee on Government Management, Information, and Technology held a hearing on IRS Mismanagement and Ideas for Improvement. Testimony was heard from Lynda D. Willis, Director, Tax Policy and Administration, General Government Division, GAO; Michael Dolan, Deputy Commissioner, IRS, Department of the Treasury; Jeffrey Trinca, Chief of Staff, National Commission on Restructuring the IRS; and public witnesses.

TAX LIMITATION CONSTITUTIONAL AMENDMENT

Committee on Rules: The Committee granted by voice vote a modified closed rule providing for consideration of H.J. Res. 62, proposing an amendment to the Constitution of the United States with respect to tax limitation in the House. The rule provides that the committee amendment in the nature of a substitute, modified by the amendment specified in the report of the Committee on Rules, will be considered as adopted. The previous question shall be considered as ordered on the joint resolution, as amended, and on any further amendment thereto to final passage without intervening motion except as specified.

The rule provides for three hours of debate. The rule further provides for an amendment if offered by the Minority Leader or his designee, which will be considered as read, and which will be debatable for 1 hour equally divided between the proponent and an opponent. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard from Representatives McCollum, Canady, Barton of Texas, Shadegg, Scott and Watt of North Carolina.

SUSPENSIONS

Committee on Rules: Granted by voice vote a resolution providing that suspensions will be in order on Wednesday, April 16, l997. The resolution provides that the Speaker or his designee will consult with the Minority Leader or his designee on any suspension considered under this resolution.

COMMITTEE MEETINGS FOR TUESDAY, APRIL 15, 1997

SENATE

(Committee meetings are open unless otherwise indicated)

Committee on Appropriations, Subcommittee on Treasury, Postal Service, and General Government, to hold hearings to examine alleged Internal Revenue Service employees' misuse of taxpayers files, 9:30 a.m., SD–138.

Subcommittee on Agriculture, Rural Development, and Related Agencies, to hold hearings on proposed budget estimates for fiscal year 1998 for the Rural Utilities Service, the Rural Housing Service, the Rural Business-Cooperative Service, and the Alternative Agricultural Research and Commercialization Center, all of the Department of Agriculture, 10 a.m., SD–124.

Subcommittee on Energy and Water Development, to hold hearings on proposed budget estimates for fiscal year 1998 for the Army Corps of Engineers and the Bureau of Reclamation, focusing on the costs that will be incurred relating to the Bonneville Power Administration, 2 p.m., SD–124.

Committee on Armed Services, Subcommittee on Acquisition and Technology, to resume hearings on S. 450, National Defense Authorization Act for Fiscal Years 1998 and 1999, focusing on the trends in the industrial and technology base supporting national defense, 2 p.m., SR–232A.

Subcommittee on Readiness, to resume hearings on S. 450, the National Defense Authorization Act for Fiscal Years 1998 and 1999, and S. 451, the Military Construction Authorization Act for Fiscal Year 1998, focusing on environmental and military construction issues, 2:30 p.m., SR–222.

Committee on Foreign Relations, Subcommittee on East Asian and Pacific Affairs, to hold hearings to review the U.S.-Japan bilateral relationship, 9 a.m., SD–419.

Full Committee, to resume hearings on the ratification of the Chemical Weapons Convention (Treaty Doc. 103–21), 2 p.m., SD–419.

Committee on the Judiciary, Subcommittee on Immigration, to hold hearings to examine issues affecting immigrant entrepreneurs, 10:30 a.m., SD–226.

Committee on Labor and Human Resources, Subcommittee on Employment and Training, to hold hearings to examine innovations in adult training, 9:30 a.m., SD–430.

Committee on Rules and Administration, to resume hearings concerning petitions filed in connection with a contested U.S. Senate election held in Louisiana in November 1996, 9:30 a.m., SR–301.

NOTICE

For a listing of Senate Committee meetings scheduled ahead, see pages E650–51 in today's Record.

House

Committee on Agriculture, Subcommittee on Risk Management and Specialty Crops, hearing on reform of the Commodity Exchange Act and provisions of H.R. 467, Commodity Exchange Act Amendments of 1997, 9 a.m., 1300 Longworth.

Committee on Appropriations, Subcommittee on Commerce, Justice, State and the Judiciary, on Office of Justice Programs; on Office of Community Oriented Policing; and on Office of Juvenile Justice and Delinquency Prevention, 2 p.m., H–309, Capitol.

Subcommittee on Interior, on Bureau of Indian Affairs/Office of Special Trustee, 10 a.m., 1:30 p.m., and to mark up a Supplemental Appropriations for Fiscal Year 1997, 1:30 p.m., B–308 Rayburn.

Subcommittee on Labor, Health and Human Services, and Education, on Congressional and public witnesses, 10 a.m. and 2 p.m., 2358 Rayburn.

Subcommittee on VA, HUD and Independent Agencies, on EPA, 10 a.m. and 2 p.m., 2360 Rayburn.

Committee on Banking and Financial Services, to mark up H.R. 2, Housing Opportunity and Responsibility Act of 1997, 2 p.m., 2128 Rayburn.

Committee on National Security, Subcommittee on Military Procurement, hearing on the sale or transfer of supercomputers to foreign entities or governments engaged in nuclear weapons research and its impact on the national security interests of the United States, 1:30 p.m., 2118 Rayburn.

Committee on Resources, Subcommittee on National Parks and Public Lands and the Subcommittee on Forests and Forest Health, joint oversight hearing on implementation of the 1964 Wilderness Act on BLM and Forest Service lands, 10 a.m., 1324 Longworth.

Committee on Small Business, Subcommittee on Government Programs and Oversight and Subcommittee on Regulatory Reform and Paperwork Reduction, joint hearing on Federal Agency Compliance with the Regulatory Flexibility Act: Are Federal Agencies Using ''Good Science'' In Their Making?, 10 a.m., 2359 Rayburn.

Committee on Ways and Means, hearing on the Impact on Individuals and Families of Replacing the Federal Income Tax, 10 a.m., 1100 Longworth.

Permanent Select Committee on Intelligence, executive, Budget hearing on Personnel and Legislative Issues, 2 p.m., H–405 Capitol.

Next Meeting of the SENATE

9 a.m., Tuesday, April 15

Senate Chamber

Program for Tuesday: Senate will continue consideration of S. 104, Nuclear Waste Policy Act, with final disposition to occur thereon.

(Senate will recess from 12:30 p.m. until 2:15 p.m. for respective party conferences.)

Next Meeting of the HOUSE OF REPRESENTATIVES

10:30 a.m., Tuesday, April 15

House Chamber

Program for Tuesday: Consideration of 4 Suspensions:

1. H.R. 1226, Taxpayer Browsing Protection Act;
2. H. Res. 109, Sense of Congress on Family Tax Relief;
3. H.R. 1001, Extending Term of Appointment of Prospective Payment Assessment Commission and the Physician Payment Review Commission;
4. H.R. 1225, Technical Correction Relating to Jurisdiction for Lawsuits Against Terrorist States; and

Consideration of H.J. Res. 62, Tax Limitation Amendment (modified closed rule, 3 hours of debate).

Note: No votes are expected before 4 p.m.

Extensions of Remarks, as inserted in this issue

HOUSE

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