will be grounded forever, dismissed from the Air Force and could even spend time in prison.

I call attention to this particular case because I believe it speaks to the highly publicized gender schizophrenia we are witnessing as the military grapples with women's role in our Armed Forces. On one hand, women have had a traditional, but non-expanding role in the military. On the other hand, we are shocked by what appears to be a pervasive resistance to women in the ranks, and the scandals that bear the most extreme illustration of this behavior and mindset. Put differently, assimilation to the military's rules of conduct is separate and distinct from assimilation of the military's culture.

The Armed Forces are institutions premised on order and command, governed rigidly by rules, written and implied; by codes, some memorized and some unspoken. In some instances however, the strict application of military codes appears to suspend reasonable judgment about the seriousness of the offense committed.

In this case, clearly, the punishment does not appear to fit the crime. As Lieutenant Flinn says, ''I fell in love with the wrong man.'' For this offense, which she committed unknowingly because Mr. Zigo lied about being legally separated from his wife, her Air Force career is slated to come to an ignoble end.

Lets not forget that of those 140 Navy officers involved in Tailhook, none were court-martialed.

It is difficult for me as an officer who served for more than 20 years as an Air Force judge advocate, to imagine that no other officer at Minot Air Force Base has committed the offense of which Lieutenant Flinn stands accused.

Wisdom and good judgment seem clearly to demand a dismissal of the criminal charges against Lieutenant Flinn and the substitution of nonjudicial or informal sanctions. I trust that the Air Force will promptly see the wisdom of this suggestion.

Mr. President, I yield the floor.

Mr. BINGAMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that I be allowed to speak for up to 5 minutes as if in morning business.

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

## FCC RULING

Mr. BINGAMAN. Mr. President, this morning the Federal Communications Commission made its ruling on implementation of the Universal Services Fund. They passed it by a 4-to-0 vote supporting the findings of the Federal-State joint board. This decision by them has opened the door to affordable Internet access for schools, libraries, and hospitals throughout this country.

I want to congratulate Commissioner Hundt and his colleagues on the Commission for their leadership and their commitment to putting technology to work in our schools and in our communities.

I also want to congratulate my colleagues, Senator SNOWE, Senator ROCKEFELLER, Senator Exon, and Senator KERREY, especially, for their leadership in proposing the Universal Services discount as a provision in the Telecommunications Act which we passed last year.

Their hard work on behalf of education technology was critical in getting us to this point.

This Universal Services Fund will provide telecommunications discounts of between 20 and 90 percent, depending in part on the income levels of families in the particular school communities.

I have done some back-of-the-envelope calculations about my State, and, as far as I can determine, the FCC's decision could mean a discount of more than 70 percent for many New Mexico schools.

Education technology is important to my State. We have all seen how it can allow even the smallest or most isolated school across the State to develop a level playing field with larger school districts and, in fact, with wealthier States.

In a cost-effective manner, education technology can provide advanced courses and access to amazing amounts of information for all of our students.

That is why I am very proud. In 1994, we passed an act that I proposed entitled ''Technology in Education Act.'' That act will provide $200 million to America's schools for purchase of advanced technology. It has brought $1.7 million to my home State of New Mexico this year alone.

I support the President's request in his budget to increase the Technology Literacy Challenge Fund from $200 million this year to $425 million next year.

The 1994 Technology in Education Act also created the Regional Technology in Education Consortia, these consortia providing schools and school districts with the technical assistance that they need to be full participants in this information age.

This technical assistance will be more needed than ever now that the telecommunications costs will be less of an obstacle to schools seeking connections to the Internet.

Our country has also made some progress in raising the awareness of the need for high academic standards. I serve on the National Education Goals Panel, and, as such, I have supported the effort to build a nation of learners, and education technology is an important part of doing that.

One of the things that we have to do a better job of clearly is training teachers to be comfortable with this new technology. I believe we need to pursue legislation on this area this Congress. I hope to have a part in that.

In my view, the educational technology movement will change the way people teach and learn from now on.

Distance learning is more than delivering instruction any time and anywhere, although that is an important part of what is involved. It is also about giving teachers the resources that they need to be effective as learning coaches. It is about empowering students to explore and learn in ways that are best for them as individuals.

Today's FCC ruling is an important step forward. I urge my colleagues in the Senate to help ensure that our teachers and schoolchildren have the best technology that we can offer as we prepare them for the 21st century.

Thank you, Mr. President.

I yield the floor.

Mr. LIEBERMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. LIEBERMAN. I thank the Chair.

## SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS ACT OF 1997

The Senate continued with the consideration of the bill.

### AMENDMENT NO. 83 AND AMENDMENT NO. 177

Mr. LIEBERMAN. Mr. President, I rise to speak in opposition to amendment No. 83 offered by the Senator from Wisconsin to S. 672, the underlying bill. I gather that Senator FEINGOLD's amendment has been second-degreed by the Senator from Texas with amendment No. 177.

In brief, the underlying amendment to the supplemental appropriations bill would prohibit the use of funds for ground deployment in Bosnia after September 30 of this year, 1997. The second-degree amendment changes the date of September 30, 1997, to June 30, 1998.

Mr. President, after all the debate and discussion here on the floor of this Senate for the last 6 years, really after all of the diplomatic effort by our Government and other governments in Europe and throughout the world regarding the conflict in Bosnia, after all of the blood that has been spilled in Bosnia with hundreds of thousands of people displaced and killed, and after the heroic service of the American soldiers that have been part of IFOR and SFOR, joined with soldiers of other countries in separating the warring parties in the former Yugoslavia and stopping the conflict and beginning the peaceful reconstruction of that land, it is fundamentally inconceivable to me that the Senate here on an amendment to this supplemental appropriations bill would direct the military to pull out of this conflict, to walk away, in my opinion, before the job is done, to do something that is not in the best traditions of American diplomacy, let alone the American military.

So, Mr. President, I strongly oppose these two amendments.

If I may, I would like to take just a few moments to recall with my colleagues some of what has happened in this Chamber, in the former Yugoslavia, and in the capitals of the world

regarding this conflict and why it is as important as I think it is that our actions are as constructive and courageous as I believe they are. This action would be, by virtue of this amendment, without the appropriate hearings by the relevant committees, without hearing from our military and civilian leadership, without even hearing from those such as Ambassador Holbrooke who negotiated the Dayton peace agreement—it would be so wrong for us to adopt these amendments.

Mr. President, the conflict that broke out in the former Yugoslavia was one of the byproducts, if you will, of the collapse of the former Soviet Union. There are times, of course, when a war is over—in this case I speak of the cold war—when a time of instability and uncertainty prevails, and there are those who will seek to take advantage of that uncertainty with military force to turn the circumstance to their own benefit. That is the context in which I have always viewed the war that broke out in the former Yugoslavia. It is not, as we have said over and over again, that there are any saints in that particular region of the world.

But it was clear to me that there was an intentional act of war, aggression, and genocide against people based on their religion, for the most part, if they happened to be Bosnian Muslims, by Serbia. That raged on and on—not stopped by the powers in Europe—raged on and on, as we witnessed continually on our television sets one horror after another. It was hard to believe that in the heart of Europe once again so soon after the end of the Second World War we were seeing aggression and genocide, even concentration camps for some period of time.

We debated this here at great length in this Chamber. The United States, I think for reasons that were misplaced, I believe, in 1991 became part of imposing an arms embargo on the parties in the former Yugoslavia. The aim was to try to avoid conflict or to avoid the spread of conflict by keeping arms out of there—apparently well intentioned. Yet, the effect of it was horrendous and devastatingly unfair because the Serbs, by virtue of the division of the country, retained most of the war-fighting capacity and armaments manufacturing capacity of the former Yugoslavia. The Bosnians did not have that capacity.

So, not only did the world stand by as the war went on and not intervene, but we were prohibiting the Bosnians, the Muslims, from obtaining the arms that they needed to defend their families, their neighbors, and their country.

Former Senate majority leader, Senator Dole, led the effort to raise the arms embargo. It was a bipartisan effort in which I was honored to join with him in which we contended, if you will, with two successive administrations, one of each political party.

Finally, after repeated attempts, in the spring of 1995 we were able to obtain a majority in this Chamber to lift the arms embargo. This was in response to one story after another of horror in Srebrenica, in all of that city, mass slaughter of people, discovery of concentration camps with bodies all around. And after that embargo was lifted, an act of real leadership by this administration, by the President, in calling for NATO strikes, which so many of us here continued to say, ''Strike from the air. Make the Serbs pay for their aggression.'' No one is doing anything to stop them. No one is doing anything which would indicate that the rest of the world cares about what is happening there or will care if this once again becomes a wider war in Europe, bringing in the neighbors all around, including the potential to bring in two of our allies in NATO, namely, Greece and Turkey.

Force was used. The Serbs responded. The Dayton peace began. Ambassador Holbrooke was sent in by the President in one of the most extraordinary exercises in diplomatic leadership that we have seen in recent times, where the Dayton peace accord was signed leading to the so-called IFOR presence in Bosnia.

Mr. President, we have been at a fork in the road in Bosnia before, forks that would have, if we took one turn, left the people of Bosnia to their own devices, the outcome to be decided by brute strength and savagery unknown in Europe for 50 years, risking the expansion of that violence to other parts of Europe with possibly much greater harm to our vital interests there. The other fork is the one we ultimately took, to try to stop the violence and bring peace, order, and justice back to the former Yugoslavia.

The Dayton accords happened because the United States finally exercised its leadership and, with NATO, used collective power to bring the conflict to an end. IFOR was created to assure that territorial and other military-related provisions of the Dayton agreement were achieved. But although stopping the fighting was a necessary condition for achieving the goal of assuring the continuity of the single State of Bosnia and Herzegovina, it was never considered as a sufficient condition for achieving that goal.

Unfortunately, it was this part of the agreement that received the vast majority of the attention and debate in the United States. American opponents of U.S. participation made dire predictions of disaster and casualties, and the result was a very narrow mission statement and an arbitrary 1-year time limit for IFOR deployment. I opposed that 1-year time limit because I believed that only when IFOR's success could be combined with the implementation of the civilian elements of the agreement at Dayton—rehabilitation of infrastructure, economic reconstruction, political and constitutional institutions in Bosnia-Herzegovina, promotion and respect for human rights, return of displaced persons and pursuit of indicted war criminals—would it be possible for us to end our participation there.

When some have started to talk about withdrawing on June 30, 1998, I said again I hope that we will be in a position to do that, but has it ever made sense in a military involvement to announce the date by which we are withdrawing, leaving those who would benefit from our withdrawal, who would try to take advantage of it, to lay in wait until that withdrawal, until that withdrawal which would leave them a clear field to proceed back to war and savagery and the threat of a wider conflict which inevitably will cost us more than we have spent to stop the conflict and prevent that wider war in the former Yugoslavia.

So where are we, Mr. President, in the execution of the tasks we set at Dayton? I would say we are part of the way to our goal. We have officially declared IFOR successful and its mission complete. The first part of that task was accomplished magnificently by our forces. The violence stopped, an environment of relative stability emerged and not one IFOR member, thank God, was killed as a result of military action. This performance was due to the skill and professionalism of the IFOR soldiers, to the reputation accorded NATO and its soldiers and ultimately to the sine quo non of all of this, which is American leadership.

But executing the essential second part of the task has not been as successful. The progress in rebuilding Bosnia has been slow, due in part to the difficulty of overcoming the antagonism engendered by a tragic war and the effects of a creation of ethnic areas, but it is also due to the fact that rebuilding a country is much harder than stopping the fighting, and we have given far less focus and far less support for the difficult tasks necessary to rebuild Bosnia than we gave to the military tasks.

The mission of IFOR was very narrowly stated, and we avoided many opportunities for IFOR to support some of the most important civilian parts of the agreement. Most notable to me was our failure to direct IFOR or some international body to apprehend the indicted war criminals that bear such a large part of the responsibility for the afflictions of this fated land, the freedom of which, flaunting the indictment of an internationally constituted war crimes tribunal, will prevent genuine peace in Bosnia from ever occurring. These criminals are still at large. They can be seen, particularly Mr. Karadzic, one of the main perpetrators of the war crimes, indicted by an established international tribunal, seen almost daily controlling so much of what happens in the Serb part of Bosnia, still at large. And that freedom remains a profoundly serious impediment to attempts to build a civil society with functioning democratic institutions.

Still we have made progress. The efforts of Ambassador Holbrooke reduced

but clearly did not eliminate the deleterious effects of the war criminals. Elections for national leaders have been held. The government is functioning. So we have reason to be extremely grateful for the military and political successes that have been achieved. These successes have been extraordinarily important.

Today we come to another fork in the road as a result of these amendments not considered at length by this Chamber, certainly not yet. As before, one fork would leave the people of Bosnia to their own devices regardless of what the condition on the ground was, first on September 30 of this year, an extraordinarily early date, and then on June 30, 1998. If we take the fork that leads to withdrawal on a date certain, it is axiomatic, it is without doubt that our NATO allies will follow us on the way out. They have said repeatedly: We went in together; we are going to go out together. This will probably lead either to the renewal of violence, bloodshed, genocide, rule of those willing to deploy the most savage force. At least I would guess it will lead to partition.

Some will say that does not matter, but I believe it matters a great deal, not just to the people of Bosnia but to stability in Europe, which has always mattered to the United States—in fact, drew us into two world wars in this century at the cost of thousands of American lives.

I have always seen our involvement in Bosnia as preventive. It is an attempt to prevent a wider conflict that would cost us more in blood, American blood, American lives and, yes, American money. As Ambassador Holbrooke recently pointed out in a letter in Foreign Affairs:

> A single Bosnia with two entities was the essential core of the Dayton agreements. The boundary line was to be similar to a boundary between two American States rather than a boundary between two nations. But the Serbs were at Dayton under duress and few expected they would voluntarily accept such a concept. Indeed, they have acted to undermine execution of the political and economic tasks, and are trying to turn the boundary line into a line of partition and ultimately into one of complete separation.

Mr. President, why is partition, which I would see as the least devastating result of a hasty American retreat from Bosnia, why is it wrong? In my opinion, it is wrong morally, strategically and politically. Partition of Bosnia would be morally wrong because it would reward the aggression and the genocide that all of us have decried. But it would also be dangerous.

Partition is strategically wrong because it contains within it seeds of violence. The history of places where partition has occurred is sad and bloodied, and they all continue to draw us into their sadness and blood. Ireland and Cyprus are examples that still threaten America and threaten the international order as a result of partition after many decades. The problems engendered by partition in Bosnia would, in my opinion, be even worse because Bosnia would end up partitioned not just into two parts but into three parts—the Muslim part, the Serbian part, and the Croatian part. The endless battles over the partition lines would have a high probability of impacting others in the neighborhood—Albania, Greece, Bulgaria and Macedonia. And partition is particularly politically wrong because it would send a profoundly undesirable signal to ethnic activists in other places where boundaries were arbitrarily drawn and which politically divide historic ethnic groups, and that is that aggression will be rewarded with partition.

Mr. President, if we were to withdraw in June 1998, let alone September 30, 1997, without successful implementation of Dayton's civil tasks, the Serb strategy will have succeeded. The fact is that, setting these amendments aside, soon we will conduct the first of the periodic assessments of SFOR, the follow-on force to IFOR. While these assessments might be envisioned by some as opportunities to determine if we can withdraw our forces even faster, I believe we should use them in an orderly, thoughtful way as opportunities to conduct a real debate about how we can successfully conclude all the tasks laid out at Dayton and achieve the objective we agreed on: A single Bosnia, where peace, justice, and the rule of law prevail.

Mr. President, there are lives on the line here and they are American lives as well as Bosnian lives. We ought not after the money we have invested, the lives we have risked, the conflict we have stopped, the blood we have saved, the order we have returned to Europe, the larger war we have avoided, by virtue of an amendment not heard by the relevant committees direct the end of what up until this time has been a signal act of American leadership, American courage, American preventive diplomacy, American force used in the interest of peace and order and justice.

So I strongly oppose the amendment, and I urge my colleagues to do the same. I thank the Chair.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I rise in strong opposition to both of these amendments, notwithstanding my great respect for the Senator from Wisconsin, and I mean that sincerely. I have great respect for him. But I think this is another in a series of bad ideas this floor has produced over the last 5 years with regard to Bosnia.

Mr. President, I echo the sentiments expressed by my friend from Connecticut. Let me say it in a slightly different way. In my view, we could have avoided the tragedy, the extent of the tragedy in Bosnia, had we the courage, the foresight to lift and strike 4 years ago, had we stood up to that war criminal Milosevic in Serbia and had we made clear to Tudjman in Croatia that we would broker no alternative but their ceasing and desisting. Every time America has spoken and followed up its speech with action, we have produced the results that we suggested would occur.

It is a sad commentary, Mr. President, that there is no leadership in Europe. There is no leadership in Europe. And the ability of the Europeans to get together and solve the problem in their own backyard and keep it from spreading into other people's front yards is nonexistent based upon their actions for the previous 5 years, until the United States led, but led at a moment and a time when our options were reduced relative to the ones that existed a year or two earlier.

The Senator from Connecticut and I initially never argued that American troops should be put on the ground in Bosnia. We felt very strongly that could have been avoided had we used our airpower, had we lifted sanctions to allow the Bosnian Government—that at that moment was still multiethnic—to have a chance to fight for itself. But that is water under the bridge. That is past. We are left with Dayton, which was making the best out of a bad circumstance. The end result of Dayton is that we will have invested about $5 billion by September of this year, plus America's prestige and American forces on the ground in Bosnia.

I must tell you straight up, I am opposed even to the administration's announcement that we withdraw and have a drop-dead date for June 1998. But I think it borders on the ridiculous for the U.S. Senate to instruct the President that we must withdraw as early as the initial proposal called for, in September.

Mr. STEVENS. Will the Senator yield right there?

Mr. BIDEN. I will be happy to.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. I ask the Senator if he would kindly do us the favor and not turn this into a motion to instruct. It merely says ''no funds can be spent after June 30, 1998.'' I say to the Senator from Delaware, there are no funds available after September 30, 1997, under this bill. The amendment is merely a sense-of-the-Senate resolution in disguise.

Mr. BIDEN. Mr. President, I thank my friend from Alaska. He is absolutely correct. What he has said, as I translate it, is this amendment does not mean anything in the legislative sense.

But I promise you, I promise you, if this amendment passes today, it will mean something to the Republika Srpska; it will mean something in Mostar; it will mean something in Belgrade; it will mean something in the Balkans; it will mean something in Paris; it will mean something in Moscow. It will mean something where it matters, and what matters is what the rest of the world believes our resolve is.

We sometimes do not focus closely enough, and I acknowledge I do not, as well. But we have a situation in Croatia right now where the President of Croatia is very ill. To call him a very strong man is putting it mildly, and it connotes everything that goes along with strongman, a guy who is no box of chocolates. There is already a battle for succession going on in Croatia between the nationalists, those who to this day wish to see the partition of Bosnia, and those who are democrats, who want to become part of the West.

If we announce now that the U.S. Senate want American troops out of there, either this September or next June, we give succor to those in Croatia who will argue the following: ''With the United States gone, no peace can hold, partition is the answer, and we are going to get our piece.''

The same is taking place in Belgrade. Milosevic is a war criminal. He is a thug. Remember the history of why this war took place in the first place. What happened there was, in effect, a referendum as to whether or not Bosnia would stay part of Yugoslavia. There was a vote. The voters said we want to set up an independent nation-state. They set it up, recognized by the United Nations, and Milosevic sent the Yugoslav National Army across the river. He supplied and gave cover for the use of force against the Muslims and Croats, and he instituted a war of aggression. He and his cronies instituted a policy of ethnic cleansing, a phrase I do not think any of us ever thought we would hear again. They actually talked about it out loud. That was their policy.

Mr. President, our good friend, Mr. Milosevic, is on his last legs in Belgrade. Why, at this moment, are we going to indicate to him that there is a consensus in this country that the United States should walk away? Why are we going to do that now? What possible good would that do?

Secretary Cohen, a man we all respect, has guaranteed we will be out of Bosnia in June 1998. He has said this in private meetings, in private arguments with me, and in public discussions. The President has said it. Madeleine Albright has acknowledged it. As I said, I think that, in and of itself, is a mistake. For us to come along now and announce to the world that we are not going to appropriate moneys is a mistake—and I acknowledge these are moneys we could not appropriate anyway. But they are not going to understand all that. All they are going to understand is that the United States of America, the U.S. Senate, has told the President he has to get out of there.

I echo the phrase my friend from Connecticut used. He said, when has it ever made sense for us, in a circumstance where there is the potential for or the immediate past presence of war, to announce that we are going to leave and give a lead time to that announcement? When has that ever benefited us?

Our only hope for the peace process is to continue to have an international force remain in Bosnia through June 1998. At least through June 1998. By then, several things will have shaken themselves out, one of which is the political situation in Croatia and the other is the political situation in Serbia.

I am going to refrain from doing what I want to do, speak in more depth about this, because my friend from Alaska is technically right. He is right that this does not mean anything legislatively. I just want it to be known that there are voices in the Senate that think this is a very bad policy. When this amendment is written about, when this is discussed in other capitals of the world, they should understand not all of us share this view.

This is not a sound policy. At this moment, it is my hope and expectation that the administration is leaning on our European allies to make it clear to them that we are willing to support a European-led follow-on force in Bosnia, composed of European troops, after the SFOR mandate ends. Remember what we said: We are going to remove American forces from Bosnia. We did not say we are disengaging in every military sense from Bosnia. The President did not say that, thank God, and I hope he will not say that.

What we should be doing now, and what I hope we are doing now, is meeting with our NATO allies to explain to them that we are willing to have a forward force based in Hungary to back them up. We are willing to use our airpower and our intelligence apparatus to assist them. We are willing to use the capacity of our naval forces in the Adriatic to help maintain peace and security in Bosnia. This takes time. This amendment undercuts every possible option that exists between now and June 1998 by announcing now that the U.S. Senate does not support the continued presence of the United States of America in that part of the world.

I do not fully understand what both my friend from Wisconsin and the Senator from Texas are saying. I acknowledge the Senator from Alaska is correct. This is meaningless in a legislative sense. But I do not understand what my two friends hope to accomplish here. Their amendment says, ''Provided further, that none of the funds made available under this Act may be obligated or expended for operations or activities of the armed forces relating to Bosnia ground deployment after June 30, 1998.''

Does that mean we cannot use our intelligence apparatus? Does that mean we cannot have forward deployment in Hungary? Does that mean we cannot use our airpower? Maybe it does. Maybe it does not. But I tell you one thing: To merely suggest that we are going to pull out U.S. ground forces is a bit disingenuous as well.

So, again, I do not want to take any more time of the Senate except to say that this is a well-intended, very bad idea. It is a very bad idea. It does not serve U.S. interests. It does not serve us or aid us in our ability to lead an alliance in carrying out its responsibilities in Europe, in Bosnia. And it does not lend any support to those in both Serbia and in Croatia who are trying to change the political landscape of both those countries, which will have an impact upon the circumstance in Bosnia.

So, again, I say as I yield the floor, with due respect to my friend from Wisconsin, I think this is a serious mistake. I hope the Senate will not go along with this suggestion.

I yield the floor.

Mr. JOHNSON. Mr. President, I have to my right a satellite image of the James River in South Dakota; on the left, depicting the river in its normal course prior to the flooding. On the right is a satellite image showing the current state of the James River—swollen, in places miles across, with water in a circumstance where less than 5 percent of the farmland in the James River Valley, from North Dakota to Nebraska, will be planted this year. This imagery was provided by the aerial data center in South Dakota. I think it very ably shows the dire circumstances that people in the James River area are facing.

Amendment No. 70 is an amendment offered by myself and by my colleague, Senator DASCHLE, which addresses the extensive damage that has taken place in the James River Valley and which needs to be addressed. This amendment addresses the problem, where up to 75 percent of the trees in this area have been lost, where bank sloughing and levee sloughing has filled the channel and reduced its capability to handle water. The amendment would provide a $10 million appropriation through the Corps of Engineers to the James River Water Development District to use for the badly needed repair and restoration work on the James River.

This is a 25 percent cost share. I am pleased that this amendment has been cleared and approved by the majority and the minority of the Environment and Public Works Committee. I thank Senator CHAFEE and Senator BAUCUS and their staffs for their willingness to work with us on these amendments. I also thank the appropriators, Senator STEVENS and Senator BYRD, Senator DOMENICI and Senator REID from the Energy and Water Appropriations Subcommittees and their staffs, for their willingness to work with us on the language of this amendment, and to accept it as part of the supplemental appropriations legislation being considered by the Senate today.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER (Mr. ABRAHAM). The Senator from Wisconsin.

Mr. FEINGOLD. Thank you, Mr. President. I would like to take this opportunity to respond to remarks in opposition to Senator HUTCHISON's amendment by the Senator from Connecticut and the Senator from Delaware.

Let me, first of all, reiterate a couple of points about my attitude and the attitude of most Senators about this amendment and its purpose. First of all, no one can even begin to criticize what a wonderful job our troops and our military have done in Bosnia. In fact, all we can do is offer praise and gratitude. I feel that way, in particular, about the wonderful job some of our folks from Wisconsin, whom I have had a chance to speak with about this, have done.

Second, I want to reiterate that I believe this mission has accomplished some very, very positive things. It certainly has not accomplished all that would have been hoped. But to suggest somehow that this mission has not accomplished anything in terms of saving lives and in terms of trying to resolve the situation would be wrong, and I do not suggest that.

I also want to acknowledge that the two Senators who spoke in opposition to the amendment, the Senator from Connecticut and the Senator from Delaware, are two of the great leaders on this issue, two of the most compassionate Senators when it comes to being concerned about the tragedy in Bosnia, and I learned that fast when I came here to the United States Senate. I wish that we could be in agreement on this particular issue about how long this mission should continue, because we have been allies on many aspects of the Bosnia operation in the past.

In fact, Mr. President, I just remind my colleagues that when I arrived here in 1993, the first resolution I ever submitted, was to simply lift the arms embargo that was being enforced against all the areas in the region, all the people in the region, but, in particular, the Bosnian Muslims.

The reason I came to that position was because of the inspiration of the Senator from Delaware who had taken the lead in developing the concept of lifting the arms embargo prior to my arrival in the Senate. When I got here, I joined with other Senators, in fact, I think I was the first one in that Congress to introduce a resolution to lift the arms embargo. The Senator from Connecticut and the Senator from Delaware and I and others all got up and talked about the important right of self-defense, the importance of people being able to defend themselves. We thought that they should be given arms to defend themselves, the right that they have, I believe, under unalienable human rights and under article 51 of the U.N. Charter to defend themselves. That is where many of us wanted to go.

As the Senator from Connecticut indicated, we tried very hard. We won a vote on the Senate floor on a bipartisan basis, although, regrettably, it was not carried all the way through. I still believe that was the best answer to this situation. But, we did not get that done in a timely manner and, as a result, I think we were essentially forced into the Dayton accord. I think some of our European allies made sure, in effect, that we would be forced into sending troops into the region.

So when many of us spoke about the importance of lifting the arms embargo, we discussed that it was the right thing for the Bosnians. But it was a way to prevent us from becoming ensnared in a military operation that we would not be able to get out of, where American men and women would be forced into a situation where an endgame or departure justification would be difficult to find.

That is how we got to where we are today, unfortunately. That is why I have offered this amendment, and I believe it is one of the reasons the Senator from Texas has offered her second-degree amendment.

When the Senator from Connecticut—and I say this with all respect, because I simply know no one who is more concerned about the situation, and I know at a very personal level as well, as a Senator, that he cares as deeply, perhaps more deeply than any other Senator about what is going on in Bosnia—but when he says it is inconceivable that we would try to do this on this bill in this way, let me suggest what I consider to be inconceivable.

It is inconceivable to me that we would not have a clear debate on this issue when the initial understanding that was given to the American people about this is that it would cost $2 billion and be over within 1 year. I took every opportunity I could in the Foreign Relations Committee and in every other meeting that I had on this subject to ask the question: Is it truly the intent to be out of there in 1 year? And the answer was always yes. Even when it was just a few months before the December 1996 deadline, I asked many leading military and State Department officials about this. I said, ''Is it going to be over in a year?'' And they said, ''Well, yes, give or take a few weeks.''

The American people and the Congress were led over and over to believe that this was a 1-year operation.

Then, really quite quietly, it was extended. It was extended by 18 months beyond that deadline, to a minimum of June of 1998. And even then, when I asked whether or not that is the end of the line for this operation, the remark has been simply, ''We hope so, we think so, we think it's possible.''

What is also inconceivable to me is that we add another $1.5 billion in this supplemental bill and then tell the American people what we are on track to do is to spend not just $2 billion—in fact, we are already in for $3 billion—but that the minimum estimate now is $6.5 billion through the middle of 1998. To me it is somewhat inconceivable that we would simply move in that direction without a full and thorough debate with regard to these numbers.

Where is the public accountability on this? Where is the congressional accountability with regard to the expenditure of those kinds of funds and with regard to the duration of an operation that was promised to be over within 1 year?

Others have suggested today that somehow this is an unprecedented kind of amendment, but all I can do is refer my colleagues to what we did when it came to the Somalia operation. The distinguished Senator from West Virginia offered an amendment, which we voted on on October 15, 1993, that provided for a cutoff date for the expenditure of funds with regard to Somalia.

No one knows better the power of the purse of the Congress than the Senator from West Virginia, and he knows that that is the heart and the soul of congressional power when it comes to military operations. Both the Senator from Connecticut and the Senator from Delaware voted for the amendment that Senator BYRD offered that would cut off the funds for Somalia by a date certain. We signaled what we were going to do in that situation —we signaled it clearly—because we knew that it was time for us to get out.

You know what is sad about that one. In the Somalia case, we waited until something bad happened. We waited until a tragedy occurred. We waited until we had essentially no choice but to extricate ourselves from a situation that became a mess. I am very pleased to be able to say today that we are not in that situation yet in Bosnia. I hope we never will be. But to wait for that moment to signal clearly when we intend to get out is the worst thing we can do in terms of our credibility in the world. To wait for a moment like that and then just run out of Bosnia because the public support may evaporate is the worst thing we can do in terms of our credibility. I do not think any of us regard what happened in Somalia as one of the finest hours in our diplomatic, military or foreign policy moments.

So, Mr. President, let me simply say that this is a situation where we all have to decide whether we are just going to let this $1.5 billion go forward without asking serious questions. The Senators who are opposed to me and Senator HUTCHISON on this said we have not had proper hearings on our amendment. They have indicated they want to have a real debate on this matter.

That is the whole point.

We have not had real hearings on this. We have not had a real debate on whether we should spend $6.5 billion on Bosnia by the middle of 1998 or on the possibility of even more. We have not had a real national discussion about whether we should go forward with this. I think the American people and the Congress should be engaged in that kind of discussion.

So let me conclude by saying that I think this amendment is appropriate. It does not go too far. It does not hamstring our military. There are opportunities for providing more funds later, if needed, for extending the operation, if needed. All this does is signal that neither this body nor this country is going

to simply let this continue without any real consideration and public debate of where we are heading—especially since the operation is already costing $6.5 billion and has already more than doubled the duration that was originally promised.

Mr. President, I yield the floor.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, we should be signaling two things relative to Bosnia, in my judgment. The first is what this resolution would signal, which is that it is our intent to have our ground combat forces out of Bosnia by June of next year. It is important that we send that signal; it is important that we send that signal clearly. But it is also important that we do an additional thing, and that is that we let our European allies and the world know that in the event that there is a need for a follow-on force after June of 1998, that it is the Europeans who must provide that follow-on force and it is not our intention to participate with ground troops in that follow-on force.

Will a follow-on force be necessary? I think it will be. I have visited Bosnia. I have spent a lot of time there. In my judgment, there is no way that millions of refugees can be repatriated to their homes, that war criminals can be captured and tried by June of next year. If there is no follow-on force in Bosnia, the likelihood is that the progress which has been made will disintegrate and will evaporate, and then what we have done in Bosnia will have been to no avail.

We have accomplished some very important things in Bosnia, and we should try, if we can, to protect them, but—and here I agree with the Senator from Wisconsin—we should carry out our mission, which ends in June of 1998, signal to our allies clearly and tell them in advance that it is our intention that our ground combat forces will be out of there in June of 1998, but that we would expect that they would show some leadership under a new component of NATO, called the European Security and Defense Identity, to provide the follow-on forces which might be needed after June of 1998.

Can we do both of those at one time? Can we say that it is our intention that our own forces on the ground leave by June of 1998 but that we expect there is a need or a likely need for a follow-on force and we would be supportive of that force—without having our own troops on the ground—through logistics and intelligence and other means of supporting a European follow-on force as part of NATO? Can we signal both of those things at once? I believe we can. I believe we should. I believe this resolution does not do that, and that is the difficulty with this resolution.

Because of the nature of postcloture that we are in, it is restricted in language to what it says, which, as the Senator from Alaska points out, really has no meaning whatsoever since none of these funds will be spent, in any event, after October 1 of 1997. They cannot be and are not going to be.

So in one sense this resolution has no legislative meaning whatsoever, through no fault of my friend from Wisconsin, by the way. He had no choice. In order to be germane in a post-cloture situation, he had to phrase it this way.

But the signal that he wishes to send is an important signal, one that I happen to want to join him in sending, providing it can be sent with a second signal which is so critical that we send, which is that a new initiative inside of NATO be utilized for any follow-on force, and we are willing to support that or at least are open to supporting that European initiative inside of NATO.

I want to spend just a couple of moments on that initiative. It is not well known. It is an important initiative. The Europeans have asked for additional leadership in NATO for many, many years.

Finally, at the June 1996 Berlin North Atlantic Council ministerial meeting, there was a new initiative adopted, as part of NATO. It is called the European Security and Defense Identity initiative [ESDI]. What it does, it permits the European NATO nations—these are our allies in NATO—with NATO consent, to carry out operations under the political control and strategic direction of the Western European Union, using NATO assets and NATO capabilities.

So using NATO assets and capabilities under the strategic direction of the Western European Union, a European initiative is being put in place as we speak.

What NATO has agreed to do is to identify the types of what are called separable but not separate capabilities, assets, headquarters, and command positions that would be required to command and conduct these Western European Union-led operations and which could be made available, subject to unanimous consent agreement in the North Atlantic Council.

In addition, NATO agreed to develop appropriate multinational European command arrangements within NATO to command and conduct the Western European Union-led operations.

And, finally, in support of these arrangements, NATO agreed to conduct, at the request of and in coordination with the Western European Union, military planning and exercises for illustrative missions which were identified by the Western European Union. Included in those missions are humanitarian assistance, conflict prevention, peacekeeping, and peace enforcement operations. All from peacekeeping to peace enforcement are included in the missions which are now being organized.

The ability of our European allies to work together so professionally in Bosnia, with French and British commanders responsible for two of the three multinational division sectors and with the overall American commander having a multinational staff, convinces me that there is no reason to question the ability of a European-led follow-on force to succeed in Bosnia. There is no reason, either, why the Partnership for Peace nations should not be included as they have been in Bosnia in both IFOR and SFOR.

So we have a mechanism now which is being planned to provide, or which could provide, to be more accurate, the follow-on force to be sure that peace does not unravel in the European neighborhood. The United States should remain involved with logistics, intelligence, and other support activities. But under this resolution there is no provision for that.

This resolution, because of the way it had to be phrased, ends up saying that none of these funds can be obligated or expended for the activities of armed forces relating to Bosnia ground deployment.

Well, should we not consider at least a provision of intelligence support, logistics support, other support activities for a European follow-on force? I think we ought to.

During the Armed Services Committee hearing in February on the defense budget, Secretary Cohen responded to my questions by stating the following:

> I would agree with you that following our departure in June of 1998, I believe there has to be some sort of force in Bosnia. I do not think there is any possibility of ending so many decades, if not centuries, of ethnic conflict in a matter of two or three years.

Secretary Cohen continued:

> So I think some international type of a force will be necessary. I agree with you that the ESDI, the so-called European Security and Defense Identity, is something that is very worthwhile to pursue.

And he added:

> I think it is something we should pursue and make it very clear we are leaving and that something will have to replace it, and hopefully it will be something along the lines of the ESDI.

That is a double message, not a single message.

The amendment before us, regrettably, has the first of those two messages only and is not able to cover the second part of that message. That is the difficulty with the pending resolution, in my judgment.

General Shalikashvili, who was there with Secretary Cohen, said the following:

> Following our departure in June 1998, it is very possible that a follow-on force will be required. I think a European force under the WEU is certainly an appropriate candidate for that.

So he, too, reached the same kind of conclusion.

So, Mr. President, I think that we should not at this time state in resolution form or any other form that we will not be willing to play a supporting role in Bosnia after June 1998. Because, after this operation is, hopefully, turned over to our NATO allies, assuming it continues at all, which I think is

likely then acting under the Western European Union, they, I believe, will need this kind of support—not our combat forces on the ground—but those other kinds of support. And that is the complexity which is not reflected in this resolution.

Finally, it is my intent during the consideration of the defense authorization bill to be offering language along the lines that I have just described. I hope that at that time we can have the kind of full debate on the future of our forces in Bosnia that this issue really requires.

During the authorization bill, that debate can take into consideration both the need, in my judgment, to make the clear statement to our allies in Europe that it is our intent to be out of there in June 1998, but can also outline what we would be willing to do should they determine to stay on after June of 1998 in Bosnia. And while it is complex, it is essential. While it has two points to the message, both points are, nonetheless, essential.

So I think, because this resolution is too narrow in its scope and sends only one of two messages and it is essential that both be sent simultaneously, that it would be a mistake for us to adopt this resolution at this time in this form. But I would look forward to my friend from Wisconsin working with us in the Armed Services Committee to design a resolution which does contain the message that he has in his amendment but also the second part of that message as well.

I yield the floor.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. I will be very brief because I think I may be the last person to address this amendment tonight.

I first want to acknowledge the contribution made in the debate by Senators LEVIN, LIEBERMAN, BIDEN, and others who spoke so eloquently about the reasons why this amendment is ill-advised. I have great respect and admiration for the distinguished Senator from Wisconsin and the Senator from Texas, but I must say, passage of this amendment, as well intended as it might be, is unwise. First, as the Senator from Alaska has noted, this amendment has no real legislative effect because it appropriates money only for this fiscal year ending September 30, 1997. But it does have a profound effect in the message it sends to people around the world, especially in that part of the world most directly affected by our actions and by our intentions.

For us to say unequivocally that regardless of circumstance, regardless of the situation, regardless of whether or not there is peace and the kind of stability we have been able to achieve now in the last couple of years, that we are removing every vestige of U.S. military presence, in my view, sends exactly the wrong message.

We need to be very careful about the message we send. We need to ensure that our military presence there has the maximum effect for as long as it may be required. It is somewhat ironic to me that the same people—and I am not referring to any particular Senator in this regard—but many of the same people who advocate a permanent presence in NATO where we do not see any specific need for a U.S. presence today are those who are arguing against our presence in Bosnia.

Mr. President, I think our military efforts in Bosnia have been a spectacular success. And they have been successful because we have had strong, bipartisan support in Congress for our military presence that sends a clear message to the people in the region.

That message says clearly that we want the genocide to stop. We want the warring parties to come to terms. We want to recognize the extraordinary effort that has already been made by those who are putting their lives on the line to ensure that we succeed in retaining the peace and stability and long-term political viability of the region.

U.S. policy through the Dayton accords has succeeded stopping the killing in Bosnia and in helping Bosnians forge longer term stability. We have succeeded in doing something of great consequence. I just hope that we recognize what a tremendous contribution it has been. While we all want to see that day when the United States forces are no longer deployed in Bosnia, we want them to come home with confidence, knowing that, regardless of whether we are there or not, we will continue to see the kind of success that we have experienced since implementation of the Dayton accords began in December 1995. But for us to say with certainty today that we know exactly when that date is, is shortsighted and ill-advised. I hope for those reasons the Senate will reject that amendment.

I yield the floor.

Mr. MCCAIN. Mr. President, I join the Senator from South Dakota in his remarks.

Mr. President, I think I am going to have to call for the yeas and nays on this amendment because I think it is of serious import.

I also believe that we should be out of Bosnia. I had severe reservations as to going in. I ended up supporting the President, as did the former majority leader, Senator Dole. But for us to say that unequivocally under no circumstances will American presence be there a long time from now, I think would be, from a precedent-setting standpoint, very dangerous and, second of all, would be a message that I am not sure we want to send at this time.

There are some very bad people in Bosnia, Mr. President, as we all know. And if the administration was unequivocally on record or the United States Congress was on record as saying that under no circumstances could there be an American presence in Bosnia as of a certain date, I think it would have the unintended consequence of encouraging those very bad people.

Mr. President, I think it is something that we should work out with the administration. It is well known that the present Secretary of Defense, a former Member of this body, has stated we will be out by June 1998. But that is not a firm administration policy. And there are certain proposals as far as a United States presence is concerned, both on sea and in the air, as well as possibly in a neighboring country. I am not sure that this amendment would not affect those options as well.

The distinguished chairman of the Appropriations Committee points out very accurately that we do not have any money anyway at that time, so this would be largely a symbolic vote. But, Mr. President, I believe that if I were one of our European allies or someone who had an interest in the situation in Bosnia, either as a participant or an observer, I would say that this is a very strong message and one that we do not want to send.

I also remind my colleagues that, yes, we have the right to cut off funding, we have that constitutional right as a body. But it is always the last resort. Cutting off funding is the last resort that we seek in order to salvage Americans when they are placed in great danger.

I suggest that this is the first option. If June 1998 begins to approach and it looks like the administration is in an open-ended commitment, I think we would have plenty of opportunity at that time. We would be considering lots of legislation in order to express our views on this issue. But to act at this time, I think, would send a very, very unfortunate and even dangerous signal.

I was just in conversation with the Senator from Alaska and he pointed out that we did, indeed, cut off funding in the Somalia situation, but that was also with the agreement of the administration that they were leaving at that time. All of us were outraged at the wanton murder of some brave young Americans whose bodies were dragged through the streets of Mogadishu. There is no doubt in that situation there was agreement that we were going to leave.

The Bosnia situation is very fluid, it is very dangerous. I want us out, too, but I greatly fear if we passed a resolution at this particular time mandating such a thing—for example, cutting off all funds—that this would be an action that would have some unintended consequences associated with it. One of the major consequences I just mentioned is to encourage our adversaries and the enemies of peace in that poor, unfortunate land, who, I think, might take this as a signal to just wait, rather than seek national reconciliation, wait until the Americans leave and then really ignite the bloodletting and the conflict.

Mr. President, I have to oppose this amendment, certainly at this time, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is not a sufficient second.

Mr. DASCHLE. 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.

Mr. STEVENS. 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. STEVENS. Mr. President, I ask that we have the vote on the amendment.

The PRESIDING OFFICER. The question is on agreeing to the second-degree amendment.

The amendment (No. 177) was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the first-degree amendment, as amended.

The amendment (No. 83), as amended, was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. THURMOND. Mr. President, I want to state for the record what I believe the Senate just agreed to in supporting the amendment offered by the Senator from Wisconsin that would prohibit the obligation or expenditure of funds available in S. 672, the supplemental appropriations bill, for operations or activities of the United States forces stationed on the ground in Bosnia.

This amendment in no way endorses the actions taken unilaterally by the President to extend the presence of United States forces in Bosnia for an additional 18 months beyond the 1-year time frame stipulated in Senate Joint Resolution 44.

The President never consulted with the Congress to extend the presence of United States forces in Bosnia, and the Senate has not voted, by accepting this amendment, to approve the President's decision to extend the presence of United States forces in Bosnia until June 1998.

The Secretary of Defense and the Chairman of the Joint Chiefs of Staff testified before the Senate Armed Services Committee in October 1996 that United States forces would not be withdrawn from Bosnia until March 1997. They did not consult with the Congress about this short extension, and they assured the committee at the time that there were no plans to extend the presence of United States forces in Bosnia beyond that time frame. However, they did note for the record that the North Atlantic Treaty Organization was reviewing whether a continued NATO force presence was needed beyond the March 1997 time frame. The Secretary of Defense and the Chairman of the Joint Chiefs promised that the Congress would be consulted prior to agreeing to extend the United States force in Bosnia. In fact, the President assured the American public prior to the Presidential election in November that United States forces would not be in Bosnia beyond the time-frame necessary to safely withdraw.

Very shortly after the United States elections in November 1996, the President announced his intention to support a decision by NATO to extend the presence of a NATO force in Bosnia to implement the Dayton agreement. Following the recommendation of the NATO that a NATO presence remain in Bosnia, the President announced in December 1996 that United States forces would remain in Bosnia, as part of a NATO force until June 1998.

Once again, I want to emphasize what agreeing to this provision does not do—it does not provide congressional approval for the President's unilateral decision to extend the presence of United States forces in Bosnia beyond the 1-year time frame he announced in November 1995 to the American public.

The President has not consulted with the Congress on his decision to extend the participation of United States forces in a NATO operation in Bosnia. The President has not sought approval of the Congress for that decision to extend the presence of United States forces in Bosnia until June 1998. The Senate has not provided its approval, or authorization for the President's decision to extend the presence of United States forces in Bosnia. The amendment merely ensures that U.S. forces are taken care of, until such time as they are withdrawn in June 1998, whether or not substantial progress is achieved in the civil implementation of the Dayton agreement, as the President promised. The amendment does not constitute congressional authorization or approval to extend the presence of United States forces in Bosnia.

Mr. FAIRCLOTH. Mr. President, I want to make clear, that had the Senate taken a rollcall vote on Senator HUTCHINSON's amendment to Senator FEINGOLD's amendment, I would have voted no on the Hutchinson amendment. I want our troops home as soon as possible, and I am strongly supportive of any effort to bring them home as quickly as possible.

The President promised that our troops would be home in December 1996. He clearly mislead the Congress and the American people when he made this promise.

Only after the election was over did the President make his decision to extend our troop deployment, even though he knew full well that our troops would not be coming home in December, well before the election.

The Bosnian mission is going to cost the taxpayers of this country $6.5 billion. The question is what will be changed after our troops have been there this long, and we have spent this amount of money. I contend that little will be changed. When the deployment was made, a principle question was whether the United States had an exit strategy. It now appears that we may have no exit.

Again, I was strongly supportive of the Feingold amendment, and I would have liked to have seen it passed without change.

AMENDMENT NO. 97

(Purpose: To extend the dredging participation in the Small Business Demonstration Program Act of 1988)

Mr. STEVENS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. BUMPERS, for himself, Mr. BOND, and Mr. WARNER, proposes an amendment numbered 97.

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

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

The amendment is as follows:

At the appropriations place add the following new section:

**"SEC. . EXPANDING SMALL BUSINESS PARTICIPATION IN DREDGING.**

''Section 722(a) of the Small Business Competitiveness Demonstration Program Act of 1988 (15 U.S.C. 644 note) is amended by striking 'September 30, 1996' and inserting 'September 30, 1997'.''

Mr. STEVENS. Mr. President, this is a simple amendment which extends the expanding small business participation in dredging section of the Small Business Competitive Demonstration Program Act of 1988 to September 30, 1997.

I urge its adoption.

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

The amendment (No. 97) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. 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. 76

(Purpose: To require the Secretary of Agriculture to collect and disseminate statistically reliable information from milk manufacturing plants on prices received for bulk cheese and to require the Secretary to report to Congress on the rate of reporting compliance)

Mr. STEVENS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. SPECTER, for himself, Mr. SANTORUM, Mr. FEINGOLD, and Mr. KOHL, proposes an amendment numbered 76.

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

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

The amendment is as follows:

At the appropriate place, insert the following:

**SEC. COLLECTION AND DISSEMINATION OF INFORMATION ON PRICES RECEIVED FOR BULK CHEESE.**

(a) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Secretary of Agriculture shall collect and disseminate, on a weekly basis, statistically reliable information, obtained from cheese manufacturing areas in the United States on prices received and terms of trade involving bulk cheese, including information on the national average price for bulk cheese sold through spot and forward contract transactions. to the maximum extent practicable, the Secretary shall report the prices and terms of trade for spot and forward contract transactions separately.

(b) CONFIDENTIALITY.—All information provided to, or acquired by, the Secretary under subsection (a) shall be kept confidential by each officer and employee of the Department of Agriculture except that general weekly statements may be issued that are based on the information and that do not identify the information provided by any person.

(c) REPORT.—Not later than 150 days after the date of enactment of this Act, the Secretary shall report to the committee on Agriculture, and the Committee on Appropriations, of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry, and the Committee on Appropriations, of the Senate, on the rate of reporting compliance by cheese manufacturers with respect to the information collected under subsection (a). At the time of the report, the Secretary may submit legislative recommendations to improve the rate of reporting compliance.

(d) TERMINATION OF EFFECTIVENESS.—the authority provided by subsection (a) terminates effective April 5, 1999.

Mr. STEVENS. Mr. President, I ask that Senators SANTORUM, FEINGOLD, and KOHL be added as cosponsors.

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

Mr. FEINGOLD. Mr. President, I am an original cosponsor of amendment No. 76, offered by the Senator from Pennsylvania [Mr. SPECTER] which requires the Department of Agriculture to collect and disseminate, on a weekly basis, statistically reliable information on bulk cheese prices throughout the Nation. Secretary Glickman has already initiated this price survey with the voluntary cooperation of cheese manufacturers using existing administrative authorities of the Department. The amendment offered by the Senator from Pennsylvania [Senator SPECTER] requires the Secretary to continue doing so until April 5, 1999. However, because the Secretary has already implemented this cheese price reporting initiative using existing authorities, I wanted to clarify that he can continue to collect and report this cheese price information after April 5, 1999 using the same authorities he is using currently.

Does the chairman of the Senate Agriculture, Nutrition and Forestry Committee, Mr. LUGAR, concur that the sunset provision in section (d) of amendment No. 76 in no way affects or diminishes the Secretary's existing authority to continue the voluntary collecting and reporting of cheese price information from cheese manufacturers after April 5, 1999?

Mr. LUGAR. I concur with the Senator from Wisconsin [Mr. FEINGOLD].

Mr. STEVENS. Mr. President, this deals with the collection and dissemination of information on prices received for bulk cheese. It requires the Secretary of Agriculture to collect and disseminate statistically reliable information from milk manufacturing plants on prices received for bulk cheese and requires a report to Congress on the rate of reporting compliance.

I urge adoption of the amendment.

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

The amendment (No. 76) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NICKLES. 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. NICKLES. Mr. President, earlier today, I voted against the D'Amato amendment, which would reinstate SSI benefits for legal nonresidents. I think 11 Senators voted against that amendment.

Mr. President, I rise to make a statement about why I voted against that amendment. I know a lot of people said they voted for it because it is part of the budget package that was agreed to by the leadership of Congress and the President. They wanted to reinstate that. They said they might as well do it anyway because the budget is going to pass and the benefit will be reinstated. That may well be. These individuals will lose their benefits for 2 weeks in August and the month of September—6 weeks—if that happens. But I didn't think that was the reason why it should be put in the urgent supplemental.

Some colleagues probably voted with me on that because they didn't think it belonged in there, that it can be included in the budget package. It may well be included in a budget package. That is when we will do the entire budget.

So my point is—I informed my colleagues on this side of the aisle—if we have other amendments on this supplemental that try to pull out various pieces of the budget package and put it into the supplemental, and they say, ''Everybody has agreed, the leadership has agreed, that we are going to spend more money for education, let's go ahead and put it in the supplemental, we are going to spend more money for children that do not have health care, we will put into a supplemental''—I disagree. This is supposed to be an urgent supplemental. It is supposed to be helping people with disaster assistance, and not to be prefunding part of the budget package.

At least I for one—and I am the only one—in the future, if we find other amendments that try to maybe prefund the budget agreement, I am going to object.

Also, I want to touch on this a little bit. Some people said, ''Well, we need to undo part of this welfare package.'' I happen to be one that disagrees with that. We passed significant welfare reform, and I think rightfully so. We said, yes, we are going to provide more benefits for citizens than noncitizens. Somebody said they are here legally. That is correct.

Let me give a couple of facts. Since 1882, an alien who was likely to become a public charge has been subject to exclusion from the United States. Since 1917, an alien who becomes a public charge within 5 years of entry has been subject to deportation from the country. That continues to be the immigration policy, that aliens within our Nation's borders should not depend on public resources to meet their needs, but rather rely on their own capabilities and the resources of their families and their sponsors. That is the way it should be.

Families of immigrants who enter the United States signed affidavits of support. By these affidavits of support they pledge to provide for the immigrants themselves and not put them on public assistance. That is a pledge. That says they will not become a public charge. That is to make sure that when people come to the United States, they are seeking citizenship and freedom, and not seeking welfare.

We found with this program, unfortunately, despite these policies, that large numbers of sponsors have failed to live up to their obligations, both their moral obligations and their financial obligations.

Just a couple of facts: In 1986, just over 200,000 noncitizens were receiving SSI welfare benefits. In 1996, that figure had grown to 800,000, 4 times as many in a period of 10 years. It didn't double or triple—4 times as many; it went from 200,000 to 800,000 in the last 10 years. The Social Security Administration predicts that the number of noncitizens receiving benefits would grow to 1 million by the end of the decade.

So this is exploding. A lot of people are bringing their families over, saying, ''Yes, you can be on welfare. You can be on welfare for life. You get cash payments, cash assistance, several hundreds of dollars per month, and be eligible for Medicaid concurrently.'' It is a pretty good deal. A lot of people said, ''I want in on that.'' So they would come over and totally ignore the affidavits of support that they and their families pledged they would not became a public charge.

In the welfare bill that we passed last year, they should get around this by becoming citizens. Now, I know a lot of people are becoming citizens. Some people said, ''Well, the States don't have the resources. Not everybody can become a citizen.'' You have minimal English requirements. Maybe they are not able to make that. The States save millions, and collectively the States save billions of dollars in the welfare changes we made last year. There is plenty of money to provide assistance to those people that really need some help.

Total noncitizen applications for SSI alone increased almost 600 percent from 1982 to 1994, compared to just a 49-percent increase amongst citizens. Most noncitizens apply for welfare within 5 years of arriving in the United States.

Mr. President, I want to make these comments. I know that in the budget package we have—I hope that we will pass a budget package—we are going to address this issue. I know, in all likelihood, for most noncitizens we will be continuing SSI payments for those noncitizens who are already here or already here at the time of enactment of the welfare bill. That may well be. I might support it as part of an overall package.

But I voted in opposition to this being added to the supplemental because I didn't want to cherry-pick a few of the things out of the budget package and say, ''Let's put it on this supplemental too.'' This wasn't going to happen. No one would lose benefits now for another 3 months. Our objective is to pass the reconciliation bill to implement the balanced budget by July 4, a full month and a half before you would have discontinuance of benefits. So we would have time to rectify the situation if we have not reached the budget agreement.

So, Mr. President, I just make mention of that, and maybe forewarn my colleagues. At least this Senator's intention is to object strenuously if future efforts are made to put parts of the budget package onto this urgent supplemental.

Mr. President, I yield the floor.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Arizona.

AMENDMENT NO. 107

(Purpose: To strike earmarks for unrequested highway and bridge projects, parking garages, and theater restoration)

Mr. MCCAIN. Mr. President, I call up amendment No. 107.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona (Mr. MCCAIN) proposes an amendment numbered 107.

Mr. MCCAIN. 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 39, starting on line 22, strike all that appears after ''1997'' through page 40, line 21, and insert in lieu thereof ''.''.

On page 42, starting on line 11, strike all that appears through page 43, line 4.

Mr. MCCAIN. Mr. President, this amendment strikes earmarks to fund for highway projects:

$3.6 million for the 2002 Olympics planning in Utah;

$450,000 for the ATR Institute to continue the Santa Teresa border technologies project in New Mexico;

Additional funding for Warrior Loop project in Alabama;

$12.6 million to complete the William H. Natcher Bridge in Maceo, KY;

Additional funding for Highway 17 Cooper River bridges replacement project in South Carolina;

$100,000 for 86th Street Highway Project in Polk County, IA;

And discretionary authority to spend additional funds to repair or reconstruct any portion of Highway 1 in San Mateo, CA, that was destroyed in 1982 and 1983;

The set-aside of $12.3 million for discretionary authority to construct the parking garage at a VA medical center in Cleveland, OH;

Earmark of $500,000 from previously appropriated funds for a parking garage in Ashland, KY, to instead restore the Paramount Theater in that city.

Mr. President, this supplemental appropriations bill was an emergency appropriations bill. The title, as we all know, is an emergency supplemental bill.

Mr. President, the earmarks I find included in this bill and others are not, in my view, of an emergency status. Let me talk about a few other earmarks that are in this bill.

Language that makes College Station, AR, eligible for rural housing service program assistance.

By the way, Mr. President, I understand that College Station, AR, has been badly damaged by a tornado, and that is probably a project that would qualify under emergency supplemental parameters.

It makes the cost of repairing the Wapato irrigation project nonreimbursable;

$15 million emergency funding for research on environmental risk factors associated with breast cancer. Report language lists Rhode Island, Pennsylvania, New Hampshire, New Jersey, Utah, New York, and California as States which should be considered for ''competitive grants.'' In other words, the other States are not considered for competitive grants.

There is a $10 million earmark for phase 2 of nonemergency transportation planning at Yosemite Valley which is offset by rescission of clean coal technology funding;

$5 million for development of the Legislative Information System in the Office of Secretary of the Senate which is transferred from other Senate appropriations.

Let me say on that particular one, Mr. President, that I think the Legislative Information System in the Office of Secretary of the Senate is important. I do not think it qualifies as an emergency.

Earmarks funds for highway projects, including $3.6 million for 2002 Olympic planning in Utah;

$1.95 million earmarked for Colorado to provide security for the Denver Summit of Eight;

Set-aside of $12.3 million for discretionary authority to construct a parking garage, which I mentioned earlier;

$3 million earmarked from the Justice Department counterterrorism fund for Ogden, UT, preparation for 2002 Winter Olympics.

By the way, Mr. President, we are going to start totaling up how much Federal money is going to be spent on the Olympics in Utah. I would guess that it will match or exceed the amount of Federal dollars that were spent in Atlanta.

Mr. President, I am proud that these Olympics are being held in the United States and that we win these competitions for having the Olympics held here in the United States of America. Mr. President, I think the taxpayers ought to know what the cost is to the taxpayers.

Mr. President, I am reminded, as I look over this list, of the need for the line-item veto.

This is another graphic example of why the line-item veto is necessary. These projects do not qualify as emergencies, yet they are placed in.

For many years I have come down here and complained about this kind of activity. I don't think it does us any good, Mr. President, to do these things and call them emergency supplementals. What it does is provide grist for the talk show mill. It provides ammunition for those who believe we do not act in a responsible fashion. It makes it more difficult for us to go home and say that we are trying to be careful of every dollar we spend that the taxpayers so much care about—things like EPA to provide a Federal grant to Middlebury, VT, to complete a project in 1997;

Direct expenditures for study of flood control mitigation at Lualualei Naval Magazine in Hawaii;

Special emphasis on need for flood prevention efforts at Devils Lake and Ramsey County Rural Sewer System.

We can't afford to do this. We are trying to embark on an effort to balance the budget by the year 2002. We are going to ask the American people to make sacrifices as we embark on this effort. There will be some reductions in spending.

Yet, at the same time we are appropriating $250,000 to replace salmon fry killed during an April snowstorm in New England, and $1.1 million to complete fire restoration at Bosque Del Apache National Wildlife Refuge.

So the bill has grown, I am told, from around $4.4 billion to over $8 billion. Much of that is necessary spending.

Let me repeat again. In no way do I believe that we have any other obligation but to help those people who are victims of natural disasters. We have that obligation. It is a proper role of Government.

If some of these projects that I mentioned are important and worthwhile projects, I believe they should be subject to the normal authorization and appropriations process. So my amendment would eliminate a few of those.

Mr. President, I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. STEVENS. It is my intention, Mr. President, to move to table this amendment at a later time.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. BROWNBACK. Mr. President, I rise in support of the MCCAIN, amendment numbered 107, and state that I am not here to oppose any of the emergency relief being put forward. I think that is important and I think it is appropriate.

I also think we ought to pay for it as we go along. We are going to every year somewhere in this country have a disaster. Each year we do this and then we have a disaster and we do not pay for it and it adds to the deficit and we create this mortgage disaster for the country on a long-term basis. We really ought to pay for it. That is another separate debate.

I am here to support this issue and this amendment in removing those items that are not emergency appropriations. I do not want to speak about the validity or the need to do any of these specific projects that are in here. I think that can rest for another day. But the question is, are these emergencies or not? Are they things that should appear in an emergency appropriations bill?

I think Senator MCCAIN has articulated very well the list that he has put forward in this amendment. I ask unanimous consent to have printed in the RECORD that list that Senator MCCAIN has been working on, and we have worked in support of his amendment, to put this in as a part of the RECORD that these may be good promises.

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

OBJECTIONABLE PROVISIONS IN S. 672, SENATE-REPORTED FISCAL YEAR 1997 SUPPLEMENTAL APPROPRIATIONS BILL

BILL LANGUAGE

P. 25: Makes costs of repairing Wapato irrigation project nonreimbursable. [See report p. 22]

P. 32: $15 million emergency funding for research on environmental risk factors associated with breast cancer. Report language lists Rhode Island, Pennsylvania, New Hampshire, New Jersey, Utah, New York, and California as states which should be considered for ''competitive'' grants. [See report p. 27]

P. 36–37: $10 million earmarked for phase 2 of non-emergency transportation planning at Yosemite Valley (offset by rescission of clean coal technology funding). [See report p. 32]

P. 37: $5 million for development of Legislative Information System in the Office of the Secretary of the Senate (transferred from other Senate appropriations). [See report p. 33]

P. 39–40: Earmarks of funds for highway projects, including: $3.6 million for 2002 Olympics planning in Utah; $450,000 for the ATR Institute to continue the Santa Teresa border technologies project in New Mexico; additional funding for Warrior Loop project in Alabama; $12.6 million to complete the William H. Natcher Bridge in Maceo, Kentucky; additional funding for Highway 17 Cooper River Bridges replacement project in South Carolina; $100,000 for 86th Street Highway Project in Polk County, Iowa; and discretionary authority to spend additional funds to repair or reconstruct any portion of Highway 1 in San Mateo, California, that was destroyed in 1982–1983. [See report p. 34–35]

P. 41: $1.95 million earmarked for Colorado to provide security for Denver Summit of Eight (June 20–22) concurrently with Oklahoma City bombing trial. [See report p. 35]

P. 42: Set-aside of $12.3 million for discretionary authority to construct parking garage at VA medical center in Cleveland, Ohio. [See report p. 36]

P. 42–43: Earmark of $500,000 from previously appropriated funds for a parking garage in Ashland, Kentucky, to instead restore the Paramount Theater in that city. [See report p. 36–37]

P. 47: $3 million earmarked from Justice Department Counterterrorism Fund for Ogden, Utah, preparation for 2002 Winter Olympics. [See report p. 41]

REPORT LANGUAGE

P. 8: Directs transfer of $11.2 million in F–15 program contract savings to fund acquisition and installation of High-Speed Anti-Radiation missile target systems on Air National Guard F–16 aircraft.

P. 13: $10.8 million for emergency expenses to repair damage to fish hatcheries in the Pacific Northwest.

P. 14: Directs Small Business Administration to provide disaster loans for housing repair and replacement in Arkansas even when no local building permit has been granted.

P. 16: Special emphasis on need for flood prevention efforts at Devils Lake and Ramsey County Rural Sewer System in North Dakota.

P. 17: Directs expenditures for study of flood control mitigation at Lualualei Naval Magazine in Hawaii and flood preparedness and warning plan for Reno, Nevada.

P. 19: $250,000 to replace salmon fry killed during April snowstorm in New England, and $1.1 million to complete fire restoration at Bosque Del Apache National Wildlife Refuge, New Mexico.

P. 21: Provides $9.5 million above request for Park Service construction projects, allocated specifically for 8 parks for which no funds were requested and increases funding for 5 other parks above requested amount.

P. 22: Earmarks $486,000 for restoration of Markleeville guard station in region 4 of the National Forest System (Idaho, Nevada, California).

P. 38: Directs EPA to provide Federal grant to Middlebury, Vermont, to complete project in 1997.

Mr. BROWNBACK. These projects may be worthwhile. They may be things that we should finance, even though we are over $5.4 trillion in debt. Maybe they are things we need to do, but they are not emergencies. This is an emergency supplemental. We should remove the name ''emergency'' from it if that is the case, and we are just going through on a regular supplemental proceedings bill.

I know a lot of people worked very hard in putting these together. At the end of the day, I think as you go down Senator MCCAIN's list and ask, is the $250,000 to replace salmon fry killed during an April snowstorm in New England, is that truly an emergency? Are some of the things he listed, spoke about, truly emergencies? I think one would have to conclude under any reasonable review of those that they are not emergencies. They may be things we ought to do, but they are not things we should do here. They are not things we should do in this bill.

I urge my colleagues to vote for the McCain amendment, to not table this issue, and pull these out and deal with these in the regular process in which they should dealt with.

I yield back the remainder of my time.

Mr. MCCONNELL. Mr. President, I have come to the floor to strongly oppose the McCain amendment to strike the funding designation for two items I have proposed to the legislation being considered, the Natcher Bridge and the grant redirection for the Paramount Theater in Ashland.

The proponents of this amendment are wrong to characterize these two provisions as wasteful and unnecessary. The fact of the matter is that these are important projects to the communities of Owensboro and Ashland, KY. Elimination of these two provisions will not save a single dime. In fact, this amendment would unnecessarily waste more tax dollars.

Mr. President, in 1992, a special purpose grant was included in the VA-HUD appropriations bill giving $1 million to the city of Ashland to construct a parking garage. City officials have studied this proposal further and determined that it would be more cost effective to purchase existing lots. This alternative will add more parking spaces overall and at a lower price. The city has requested that the remaining funds be used to restore a downtown landmark, the Paramount Theater.

Now, if the McCain amendment passes, the city of Ashland would be left with a grant mandating that they build a parking garage that will yield fewer spaces at a greater cost. Mr. President, this makes no sense.

Mr. President, this supplemental appropriations bill also provides for a long overdue funding correction in Federal-aid highway funding. This bill will provide Kentucky with $29.8 million to correct the funding shortfall. I was able to include language that directs the State of Kentucky to provide $12.6 million of the $29.8 million allocated for completion of the Natcher Bridge. This will ensure the completion of Natcher Bridge.

Again, by striking the language, not one dime will be saved and the bridge will be left unfinished. Keep in mind every year this bridge is left unfinished the total cost of the project increases. So again, this amendment would waste scarce tax dollars and delay the completion of this important project.

Mr. President, I believe the supporters of the amendment have mischaracterized this amendment and are doing a disservice to taxpayers and the citizens of Kentucky. I strongly oppose this amendment.

Mr. STEVENS. Mr. President, I have to oppose the amendment of the Senator from Arizona.

With regard to the funds for the Paramount Theater, for instance, in Kentucky, these are funds that were already made available for a parking garage there in the same area, and those funds are being reprogrammed to another project that is involved in the same area which is a historic landmark.

We have another funding request here concerning the VA hospital. These funds were appropriated in 1997 for this project, but unfortunately the authorizing language was left out of the Veterans Housing Act. What we are doing is going through the act again and reappropriating it with authorizing legislation. That is a technicality, really.

We do have the money, and there are highway funds allocated, in addition to those already allocated in Utah, that will be allocated for the planning and engineering design of projects for the Olympics. These are the Winter Olympics for 2002, a very historic thing to have Olympics in our country. Just as every country, we have to have special parking lots, special entrances, security involved in roads, streets, and highways in connection with the Winter Olympics. That is a noble use of funds for those projects. Of course, the highways and roads and parking lots are usable afterward. I do not argue about that. There is no question about the need for getting going now to allocate those funds for those highway projects that do meet the criteria of past allocations.

We have a whole series of other problems that the Senator mentioned. I only say that some of them may be small disasters, such as the salmon problem which the Senator has mentioned. Others are items that we put in the bill because of the timeliness of the construction that is required.

I will probably be making comments further tomorrow on other matters of the bill to try to explain some of these items. There are items here in several departments, and the Senator has pointed them out, that are not disaster related. That is why this is an emergency and supplemental appropriations bill. These amendments go to the supplemental portion, normal supplemental allocation of funds for items to be completed this year. These are moneys to be used in the remainder of fiscal year 1997.

I am sad to say I do oppose the amendment of the Senator. I understand what he is doing. For the Senator's benefit, I hope he understands what I am saying. Senator MCCAIN has become the chairman's large image on the wall, and I have to tell everyone that has an amendment that is presented to our committee in connection with supplementals or even annual bills, ''You better be sure we have the justification to get these by the Senator from Arizona because he is our watchdog.'' We need watchdogs and we appreciate them, but I have to say I will be glad to tell the Senator sometime about the 1,000 amendments we did not approve. We had more than 1,000, I might add, suggested to our committee. These are the ones that survived.

I defend what we have done, and under the circumstances, it would be my intent to table when the Senator is finished with his remarks.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. I think it is important to point out that the Senator from Alaska has been very cooperative and has been very helpful. I appreciate that. I also appreciate the various influences that the Senator is under. I appreciate his understanding. I look forward to working with him as we go through the process. He and I, I believe, along with the Senator from West Virginia, have a clear understanding of where they stand and where I stand, and that relationship is characterized by nothing but respect and, indeed, affection. I appreciate the Senator from Alaska and I do not intend to call for a recorded vote on the motion to table.

Mr. STEVENS. I do ask that the amendment be tabled, and I move to table this amendment.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the amendment No. 107.

The motion to lay on the table the amendment (No. 107) was agreed to.

Mr. STEVENS. I move to reconsider the vote, and I move to lay it on the table.

The motion to lay on the table was agreed to.

U.S. COURTHOUSE IN MONTGOMERY, AL

Mr. SHELBY. Mr. President, I would like to thank the Senator from Rhode Island for his assistance with several issues affecting the U.S. courthouse to be constructed in Montgomery, AL. Last fall, $6 million was included in Public Law 104–208 to help offset cost escalations resulting from: An error made by GSA during its Time Out and Review exercise; inflation; required security upgrades; historic preservation; and, heating, ventilation, and air conditioning improvements.

Because this supplemental project funding cannot be obligated by GSA without authorization by the Committee on Environment and Public Works, I have worked closely with Senator CHAFEE and other members of the authorizing committee to secure their approval. Appropriately, Senator CHAFEE and others wanted to make sure that this additional funding would not cause the project in Montgomery to exceed the GSA benchmarking and project budgeting process. At my and Senator CHAFEE's request, GSA confirmed in a letter dated April 21, 1997, that this additional $6 million will not cause the Montgomery project to exceed its benchmark. That is, this additional funding is necessary for GSA to complete the very critical and basic features of a modern courthouse facility.

Mr. CHAFEE. The Senator from Alabama is correct. After numerous conversations with GSA officials, and after receiving the GSA letter my colleague referred to, I have confirmed that the $6 million included in last year's Omnibus Appropriations Act is necessary and appropriate for the courthouse project in Montgomery. Indeed, the additional $6 million will not cause this project to exceed its GSA benchmark cost. As such, I have no objection to GSA obligating these funds and encourage the agency to move expeditiously on this project.

Mr. President, let me make it clear that absent the extraordinary circumstances faced by this project, I would insist upon authorizing the additional money through the committee resolution process, in accordance with the 1959 Public Buildings Act. As the Senator from Alabama mentioned at the outset, this project has already incurred cost increases as the result of delayed construction starts. A GSA budgeting error on Montgomery has yielded inflationary cost increases of $2.6 million. In addition, the project recently suffered a bid bust which threatens to delay construction further unless additional funds are provided expeditiously. This project must proceed as soon as possible to prevent further wasteful expenses.

Mr. SHELBY. I appreciate the Senator from Rhode Island's assistance on this matter and am thankful for his recognition of the special circumstances. As the former chairman of GSA's appropriations subcommittee, I am fully aware and supportive of the need to abide by national project cost standards.

AGRICULTURAL CREDIT ISSUES

Mr. DASCHLE. Mr. President, many farmers and ranchers in South Dakota have contacted me over the past few months to express their concerns with the eligibility requirements and availability of Department of Agriculture

disaster loans. I had hoped these could be addressed in the supplemental appropriation bill.

Mr. DORGAN. I share the concerns of my colleague from South Dakota. Our States have witnessed the most devastating series of winter storms and spring flooding in memory. Our producers need help in rebuilding their farming and ranching operations. However, I am afraid the credit needs of many farm and ranch families are not being met.

For example, some producers cannot access USDA's Emergency Disaster Loan Program, even though they have a qualifying disaster loss. Others, Native American tribes, do not have a loan program available to them to replace livestock lost during the disaster. I believe it is important that we give them an opportunity to rebuild their lives and livelihoods, by giving serious consideration to updating the programs.

These are the reasons I filed amendments cosponsored by Senators DASCHLE, CONRAD and JOHNSON.

Mr. LUGAR. Mr. President, I am sensitive to the concerns expressed by my colleagues. At the same time, significant reforms were made to USDA lending programs by the 1996 FAIR Act. I want to maintain the integrity of these reforms, and therefore believe that any measures which would substantially alter the basic terms of the lending programs should be subject to review by the Committee on Agriculture, Nutrition and Forestry.

Mr. DASCHLE. I support the amendments offered by my colleague from North Dakota but understand the concerns of the distinguished Senator from Indiana. Would my colleague from Indiana agree to a review by the Committee on Agriculture, Nutrition, and Forestry, of these and other disaster related credit issues affecting farmers and ranchers?

Mr. LUGAR. Mr. President, I believe that is a constructive idea. The committee will review not only the issues raised by the Senator from South Dakota and our other colleagues, but potentially also other issues relating to rural credit, including the effectiveness of certain USDA loan guarantee programs, an issue brought to my attention recently by several community bankers.

Mr. DORGAN. While I would prefer to see passage of my amendments, I also understand the chairman's concern and will not offer them today. I would encourage the Senator from Indiana to move expeditiously. Rural Americans from our region need some help soon.

1997 DISASTER IN THE RED RIVER VALLEY

Mr. GRAMS. Mr. President, a good deal has been said about the terrible devastation in Minnesota in the Red River Valley and along the Minnesota River. When we visualize the disaster, we picture communities like Ada, Granite Falls, East Grand Forks, Montevideo, Breckenridge, Moorhead, and Warren submerged in river water. I have seen most of these communities first hand and have at once anguished over their loss and admired them for their courage. We tend to overlook some other folks in Minnesota who were equally devastated by the terrible floods that came so soon on the heels of a very long and blistering cold winter. We tend to overlook the same folks who, year-in and year-out, are charged with an enormous responsibility: feeding the world.

It is estimated that over 3 million acres of prime farmland were under water at the height of the flooding. These are the same acres that Minnesota farmers use to produce much of the world's supply of potatoes, wheat, sugar, barley, corn, and soybeans. In short, without any exaggeration, this disaster upset the bread basket of the world.

But, I am inexpressibly proud to report to my colleagues that it takes more than ''hell and high water,'' as the Grand Forks Herald put it, to keep Minnesota's farmers down. As a matter of fact, despite the absolutely staggering statistics—3 million acres under water, the loss of 2,300 farm homes, 2,500 farm buildings, 3,400 pieces of farm equipment, countless fences, 10,000 head of cattle, hogs, and sheep, 130,000 poultry, 2.3 million pounds of milk, and 15 percent of Minnesota's stored crop—Minnesota farmers have not shrunk from their occupation, or indeed, their avocation. Minnesota farmers have not shrunk from their job of feeding the world. In fact, I want my colleagues here to know that within 1 week of this calamity, every farmer that could manage, was back in the field. Mr. President, when one reflects on all the adversity Minnesota farmers have experienced in recent years—highlighted by the drought of 1988, the floods of 1993, the harsh winter storms in 1996 and 1997, and now the flooding—it instills in me a solid respect for our Minnesota farmers who work through whatever Mother Nature throws at them—and sometimes even get the best of her.

But, just like everyone else, even the hardiest of people need a hand from time to time. And, this is such a time. That is why I am pleased that the disaster relief we now consider provides some $18 million in additional emergency loan assistance and $77 million in emergency conservation cost-share dollars. I am also pleased this legislation, which I trust will have speedy consideration and passage, provides $50 million for a livestock indemnity program to help livestock producers.

Mr. President, on behalf of Minnesota farmers and ranchers, I am grateful for the commitment Congress and the President have made to those who guarantee America has the most abundant, most affordable, and most wholesome food supply in the world.

Consistent with this commitment, I hope the administration, particularly the Department of Agriculture, will help our farmers through this difficult time. Specifically, in recent days, I have expressed to the Secretary of Agriculture my concern and the concern of many farmers and Farm Service Agency personnel in Minnesota over some very important matters. First, I am concerned the existing emergency loan assistance (ELA) Program may not assist all our disaster-stricken producers as the Federal Emergency Management Agency and the Small Business Administration assist homeowners and businesses. Second, under current Federal Crop Insurance Corporation regulation, I am concerned that farmers may not be able to plant in time to ensure their crops are fully insured until fully harvested. And, third, I am concerned about many of our farmers who lost program or non-program crops in storage since these crops were largely uninsured. In the interest of equity for Minnesota's disaster-stricken farmers, I hope the Secretary will use his existing authorities to work with me to prevent these inequitable results.

Mr. President, some time ago, Rudyard Kipling fondly wrote about the one who could:

> watch the things [he] gave [his] life to, broken, and stoop and build 'em up with worn-out tools . . . [or] make one heap of all [his] winnings, and risk it on one turn of pitch-and-toss, and lose, and start again at [his] beginnings, and never breathe a word about [his] loss.

I suspect Rudyard Kipling would have had a profound respect for Minnesota farmers.

Mr. MCCAIN. Mr. President, the supplemental appropriations bill should allow the Federal Aviation Administration [FAA] to spend additional funding on commercially available explosive detection systems for the Nation's airports, rather than for only one type of system as proposed by the House. The House bill provides an additional $40 million for the FAA to purchase this one system, while the Senate bill provides no additional funding. When the conference report returns to the Senate floor, however, we should make sure that any additional funding given to the FAA can be used to purchase whatever explosive detection equipment it believes will do the best job.

The development and deployment of various devices that can detect explosives are a key component of the overall security for commercial aviation. Unfortunately, the House version of the supplemental appropriations bill does not move us in this direction because it earmarks additional funding for only one type of explosive detection system. This earmarking does not provide for a multilevel approach to security as recommended by the White House Commission on Aviation Safety and Security. In its recent report, the Commission suggested that various explosive detection systems should be implemented at the Nation's airports because each one has its strengths and weaknesses. The Commission also urged FAA to deploy commercially available systems while continuing to

develop, evaluate, and certify such equipment. Additionally, the General Accounting Office has criticized the FAA for ignoring a strategy more heavily focused on integrating several different procedures and technologies for detecting explosives. Explosive detection devices vary in their ability to detect the types, quantities, and shapes of explosives. For example, one device excels in its ability to detect certain explosive substances but not others. Other devices cannot detect explosives in certain shapes.

The FAA believes that the greatest threat to aviation is explosives placed in checked baggage. It was an explosive placed in a checked bag that brought down Pan Am 103 more than 8 years ago with the loss of 270 lives. In response to this tragedy, the Congress approved the Aviation Security Improvement Act of 1990. Among other things, the legislation directed the FAA to certify explosive detection equipment. It also established a goal of having new explosive detection equipment in place by November of 1993. The TWA Flight 800 accident last July, however, highlighted the fact that no new explosive detection devices had been deployed in the United States since the Pan Am bombing. Congress responded, in part, in the Federal Aviation Reauthorization Act of 1996 by mandating that the FAA immediately deploy commercially available explosive detection equipment.

The threat of terrorism against the United States has increased and aviation is, and will remain, an attractive terrorist target. The terrorist threat faced by the United States overseas has been with us for some time, as illustrated by the bombing in Saudi Arabia of the United States barracks. However, other incidents, such as the bombings of the World Trade Center in New York and the Federal building in Oklahoma City have also made terrorism an issue at home. In 1994, the Federal Bureau of Investigation reported that the most important development concerning terrorism inside the United States was the emergence of radical terrorist groups with an infrastructure that can support terrorists' activities. That same year, the State Department reported an increase in attacks by radical fundamentalist groups, who operate more autonomously than state-sponsored, secular terrorist groups. Fundamentalist groups are more difficult to infiltrate. Consequently, it is difficult to predict and prevent their attacks.

Given the potential for a terrorist act against aviation, explosive detection systems should be deployed as quickly as possible. As the General Accounting Office reported in January 1994, terrorists' activities are continually evolving and present unique challenges to the FAA and law enforcement agencies. The bombing of Philippines Airlines Flight 434 in December 1994, which resulted in the death of one passenger and injuries to several others, illustrates the extent of terrorists' motivation and capabilities as well as the attractiveness of aviation as a target. According to information that was uncovered by accident in early January 1995, this bombing was a rehearsal for multiple attacks on specific United States flights in Asia.

Today, various explosive detection devices are commercially available for checked and carry-on baggage and could improve security. Some of these devices are already being used in foreign countries such as the United Kingdom and Israel. Other devices are under development and may soon be available. We must untie the FAA's hand and allow them to dedicate additional resources to the technologies they believe would be the most effective in detecting explosives. To see that this occurs as quickly as possible, any additional funding appropriated by the Congress should be available to purchase commercially available explosive detection devices. By taking such action we can move toward deploying the best systems for the Nation's airports.

Mrs. BOXER. Mr. President, I want to take this opportunity to thank Senator STEVENS, the chairman of the Appropriations Committee, and Senator HARRY REID, the ranking member for the Subcommittee on Energy and Water Development, for their help in obtaining the Senate's unanimous consent for an amendment I had requested to the disaster supplemental appropriations bill.

The Senate on Tuesday accepted the amendment offered by Senator STEVENS for Senator REID that would allow the U.S. Army Corps of Engineers to conduct emergency dredging and snagging and clearing of the San Joaquin River, CA, as well as the Truckee River, NV, channels. Funding for this operation would be obtained from available balances from the $137 million appropriated by the Senate for operations and maintenance for corps navigation projects.

I had previously requested $10 million for this operation for about 20 sites along the San Joaquin River, which filled with debris and sediment from the January 1997 floods in California. As a result of this flooding, the capacity of the San Joaquin was severely diminished and poses a threat of continued flooding before the flood season is over. The scope of this debris and fill was not evident until the river flows had receded. At that point, however, the emergency authority for corps' clearing operations had passed.

The hazard to navigation and to flooding posed by the debris fill is now quite obvious. What is less obvious is the obstruction that the deposited debris and sediment created to the migration and passage of anadramous and other fish, some of which are federally listed as endangered or threatened.

I appreciate Senators STEVENS' and REID's help on this amendment and urge their continued support for this provision when we conference with the House.

FUNDING FOR U.S. ARREARS TO THE UNITED NATIONS

Mr. GRAMS. Mr. President, I rise to discuss a provision in the fiscal year 1997 supplemental appropriations bill which has received little attention so far, but would fund $100 million to begin paying U.S. arrears to the United Nations.

As the chairman of the Subcommittee on International Operations, I believe U.N. reform should be one of Congress' top foreign policy priorities this year. I know that this view is shared by the Republican leadership and other influential Members in both the House and Senate.

There is general consensus among Republicans, and, perhaps, even some agreement among Democrats, that the only way to get real reforms enacted at the United Nations is by linking the payment of U.S. arrears, in legislation, to their achievement. The appropriation of $100 million in fiscal year 1997, which is even earlier than the administration had requested, for a down payment on U.S. arrears demonstrates congressional seriousness on this issue.

I want to thank the chairman of the Appropriations Committee, Senator STEVENS, and Senator GREGG, chairman of the Appropriations Subcommittee on Commerce, Justice, State and Judiciary, for working so closely with the Foreign Relations Committee on this provision.

In the past, there has not always been such a cooperative spirit between the authorizing and appropriating committees on funding for foreign affairs and, therefore, I very much appreciate the efforts that Senators STEVENS and GREGG have made to consult with those of us on the Foreign Relations Committee.

Indeed, I am supporting this fiscal year 1997 appropriation to pay U.S. arrears because the bill specifically states that such funding must be subsequently authorized. The language reads that ''none of the funds appropriated or otherwise made available by this Act for payment of U.S. arrearages to the United Nations may be obligated or expended unless such obligation or expenditure is expressly authorized by the enactment of a subsequent act.''

This language explicitly reinforces the role of the Foreign Relations Committee in authorizing or approving any funding for U.S. arrears. Therefore, let me make absolutely clear what I believe must happen before this $100 million appropriation for fiscal year 1997 can be expended.

First, as I stated earlier, any legislation authorizing payment of U.S. arrears must condition such payment on the achievement of specific, meaningful U.N. reforms.

Second, legislation authorizing any payment of U.S. arrears must be a comprehensive, multiyear plan. I would not support a 1-year authorization bill, which would simply allow the $100 million appropriated in fiscal year 1997 to be expended, but would fail to outline a

longer-term vision for how this issue should be addressed.

U.S. arrears provide crucial and unique leverage that can help encourage the United Nations and its member states to finally enact budget, personnel, and structural changes that will have a lasting, positive impact on how the United Nations functions. We should not squander or dilute this leverage by failing to enact comprehensive legislation that lays out exactly what the United States expects from the United Nations in exchange for almost $1 billion.

Republicans have developed and proposed a 5-year plan to repay all legitimate arrears to the United Nations as long as specified reforms are achieved. This 5-year plan is fiscally responsible because it gives Congress a reasonable opportunity to find funding for U.S. arrears within the international affairs budget, known as the 150 account. It is sensible because it gives the United Nations a realistic timetable for enacting some of the more difficult reforms. And it is accountable to the American taxpayers by ensuring that the dollars the United States sends to the United Nations will go toward a more efficient organization.

Just last year, President Clinton proposed a 5-year repayment plan for U.S. arrears. But this year, the administration has declined to support our responsible approach and, instead, insisted that it wants all arrears paid in full by the end of fiscal year 1999.

As part of this request, the administration asked that Congress provide $100 million for arrears in fiscal year 1998 to give it diplomatic leverage in negotiating U.N. reforms. With the provision in S. 672, Congress has indicated that it is willing to begin paying back arrears even sooner, provided that an authorization bill is enacted and provided that the United Nations meets the reform conditions stipulated in that bill for the release of arrears in fiscal year 1997.

Mr. President, in the next few weeks, the Foreign Relations Committee will be moving toward its markup of the fiscal year 1998–99 State Department authorization bill. Included in that bill will be our 5-year plan for paying U.S. arrears in exchange for U.N. reforms. If the administration wishes to have funding available to pay arrears in fiscal year 1997 or in future years, it would do well to give this legislation more serious consideration and embrace its commonsense provisions to advance meaningful reform at the United Nations.

Mr. STEVENS. I cannot announce there will be no more votes, but it is not our intention to call upon amendments that would require votes tonight. We do expect to start very early in the morning and have a vote at approximately 10 o'clock in the morning on one amendment and then a period of debate on Senator BYRD's amendment to strike the continuing resolution proposal in the supplemental emergency bill. We will have a vote on that. It is our intention to finish this bill tomorrow evening.

I might say to Senators who have amendments, I urge them to come and present their amendments and try to work out, to the extent we can, time agreements on obtaining time tomorrow. It will be very much in short supply, Mr. President. We are going to move to go to third reading at or around 6 o'clock. I say that again: We are going to move to go to third reading at or around 6 o'clock if that is parliamentarily possible at that time. I think it will be.

AMENDMENT NO. 169

(Purpose: To increase the number of units available for FHA insurance under the HUD/State Housing Finance Agency Risk-Sharing program)

Mr. STEVENS. Mr. President, I send amendment No. 169 to the desk.

The PRESIDING OFFICER. There is a pending amendment.

Mr. STEVENS. Mr. President, I ask unanimous consent that the pending amendment be set aside.

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

Mr. STEVENS. For the purposes of the remaining amendments, I ask the Reid amendment not come before the Senate before tomorrow.

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

The clerk will read the amendment.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. BOND, Mr. SARBANES, Mr. D'AMATO, and Ms. MIKULSKI, proposes an amendment numbered 169.

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

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

The amendment is as follows:

In Title III, Chapter 10, add the following new section:

SEC. . The first sentence of section 542(c)(4) of the Housing and Community Development Act of 1992 is amended by striking out ''on not more than 12,000 units during fiscal year 1996'' and inserting in lieu thereof: ''on not more than 12,000 units during fiscal year 1996 and not more than an additional 7,500 units during fiscal year 1997.''.

Mr. STEVENS. This is to increase the number of units available for FHA under the HUD/State Housing Finance Agency Risk-Sharing Program. It is a matter that deals with adding units for 1997.

It is cosponsored by, as I understand it, by Senators SARBANES, D'AMATO and MIKULSKI.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. STEVENS. Mr. President, I ask the amendment be agreed to.

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

The amendment (No. 169) was agreed to.

Mr. STEVENS. I move to reconsider the vote and I move to lay it on the table.

The motion to lay on the table was agreed to.

AMENDMENTS NOS. 232, 233, AND 234, EN BLOC

Mr. STEVENS. Mr. President, I ask unanimous consent that three amendments on behalf of Senator CONRAD be considered and agreed to en bloc. I am going to send those amendments to the desk in a minute. These amendments have been cleared by the chairman and ranking member of the subcommittee. They provide additional emergency disaster funding for farm operating loans and flood plain easements and offset these additional amounts.

I send these three amendments to the desk and ask they be considered en bloc.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS] for Mr. CONRAD, proposes amendments Nos. 232, 233 and 234, en bloc.

Mr. STEVENS. I ask unanimous consent that the reading of the amendments be dispensed with.

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

The amendments (Nos. 232, 233, and 234), en bloc, are as follows:

AMENDMENT NO. 232

(Purpose: To make an additional $10,000,000 available for the cost of subsidized guaranteed farm operating loans under Title II, Chapter 1)

On page 9, line 21, strike ''emergency insured'' and insert in lieu thereof ''direct and guaranteed''.

On page 9, line 25, strike ''$18,000,000, to remain available until expended'' and insert in lieu thereof ''$28,000,000, to remain available until expended, of which $18,000,000 shall be available for emergency insured loans and $10,000,000 shall be available for subsidized guaranteed operating loans''.

On page 10, line 3, strike ''$18,000,000'' and insert in lieu thereof ''$28,000,000''.

AMENDMENT NO. 233

(Purpose: To reduce funding for The Emergency Food Assistance Program commodity purchases to offset emergency disaster funding for subsidized guaranteed farm operating loans and additional funding for flood plain easements)

On page 74, between lines 4 and 5, insert:

FOOD AND CONSUMER SERVICE

THE EMERGENCY FOOD ASSISTANCE PROGRAM

Notwithstanding section 27(a) of the Food Stamp Act, the amount specified for allocation under such section for fiscal year 1997 shall be $80,000,000.

AMENDMENT NO. 234

On page 13, line 1, strike ''$161,000,000'' and insert ''$171,000,000''.

On page 13, line 15, strike ''$10,000,000'' and insert ''$20,000,000''.

Mr. STEVENS. They are, as I said, necessary to assure that funding during a disaster period now on emergency basis are available for farm operating loans and flood plain easements and the offsets for those amounts that are necessary.

I ask the amendments be agreed to en bloc.

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

The amendments (No. 232, 233, and 234), en bloc, were agreed to.

Mr. STEVENS. I move to reconsider the vote.

Mr. BYRD. I move to lay it on the table.

The motion to lay on the table was agreed to.

INTERIOR PORTION

Mr. DASCHLE. I would like to engage my colleague Senator GORTON, the chairman of the Subcommittee on Interior and Related Agencies, in a colloquy on the Interior portion of the bill.

Mr. GORTON. I am happy to do so.

Mr. DASCHLE. As the Senator knows, the Dakotas and many upper Midwestern States were battered by a series of storms this winter and spring. Many of the States affected by weather-related emergencies are still battling and will not have a complete or accurate assessment of the damage until later this spring. Indian tribes, many of which live in remote areas, are among those whose communities suffer most in this kind of disaster.

Mr. GORTON. I fully appreciate the sentiments of the Senator from South Dakota. The President's request for emergency funding for the Bureau of Indian Affairs is $10,800,000. The Appropriation Committee's recommendation, based on updated information about the costs associated with these storms, is $20,566,000. Of the additional amount included in the committee-reported bill, $1,059,000 is directly attributable to the efforts of Senator DASCHLE.

Mr. DASCHLE. I want to thank the committee for adding $1,059,000 to the supplemental spending bill for the Bureau of Indian Affairs. I am particularly grateful to the efforts of Senators GORTON, STEVENS and BYRD in working to ensure sufficient funding in this bill to mitigate the impacts of this year's weather disasters on so many tribes, including those in South Dakota. It is my hope that of the funds appropriated in the bill for the Bureau of Indian Affairs, the Bureau will consider the additional needs of the Cheyenne River Sioux Tribe for welfare assistance costs, the Mni Sose Intertribal Water Rights Coalition to support their work in helping the tribes of my region obtain disaster assistance, the Crow Creek Sioux Tribe for snow removal, and the Flandreau Santee Sioux Tribe for snow removal.

Mr. GORTON. I agree that the Bureau should consider the additional needs you have identified in distributing the funds provided.

Mr. DASCHLE. Since the markup, I have received a request for an additional $1,200,000 for emergency assistance for the Crow Creek Sioux Tribe in South Dakota. The Crow Creek community of Fort Thompson suffered damages that require road repairs, monitoring and cleanup of sewage, repairs to the tribal administration building, and repair to the irrigation pump on the tribal farm. Is it the chairman's belief that these repairs can be accomplished within the funding provided?

Mr. GORTON. Within the $20,566,000 provided for the Bureau of Indian Affairs, an estimated $4,736,000 has been identified for emergency needs in South Dakota, including emergency assistance for the Crow Creek Sioux. In distributing these amounts, I agree that the Bureau should take into consideration additional needs, including those of the Crow Creek Sioux, to the extent that Bureau policy regarding historical priorities for funding Indian roads, tribal administration buildings and irrigation projects is met. In addition, the Bureau must consider the availability of funding through other Federal agencies, including the Federal Emergency Management Agency and the Federal Highway Administration's emergency road program [ERFO].

Mr. BYRD. Mr. President, I concur with the Subcommittee Chairman that the Bureau should give consideration to the additional requirements identified by the Crow Creek Sioux tribe, as well as other tribes. The funds provided are to address the most critical health and safety and emergency response needs associated with the disasters. If the additional emergency appropriations are not sufficient to address all requests from all tribes, the Bureau of Indian Affairs will have to prioritize the requests, but they are encouraged to consider the particular needs in South Dakota.

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. 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. 59

(Purpose: To strike title VII)

Mr. BYRD. Mr. President, I ask unanimous consent that it be in order for me to call up amendment No. 59.

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 West Virginia [Mr. BYRD] proposes an amendment numbered 59.

On page 81, beginning with line 1, strike all through page 85, line 9.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, the very last sections of this bill, title VII, beginning on page 81, line 1, through page 85, line 9, contains language which its proponents call the Government Shutdown Prevention Act. I believe it could be more aptly dubbed the Adequate Oversight Prevention Act. During a committee markup of this emergency disaster assistance bill, after considerable debate, my motion to strike this proposal was defeated by a party line vote of 13 yeas to 15 nays.

The language of title VII is the same language as is contained in S. 47, which was introduced some weeks ago by Senators MCCAIN, HUTCHISON, STEVENS, and others. The provisions provide that if any of the 13 regular appropriations bills for fiscal year 1998 do not become law prior to the beginning of the fiscal year on October 1, there will be an automatic appropriation for each such program, project or activity contained in that bill at the arbitrary rate of 98 percent of the funding that was provided for the program, project or activity in the corresponding regular appropriations act for fiscal year 1997. This level of funding would continue for each appropriation bill for the entirety of fiscal year 1998, unless another continuing resolution or a separate appropriation bill is enacted into law to replace it.

If these provisions were in effect for the entire fiscal year for all 13 regular appropriations bills, the effect could be cuts totaling $35 billion, or 7 percent below President Clinton's discretionary budget request. This level of cuts would cause severe devastation to worthy national efforts in law enforcement, education, transportation and transportation safety, Health and Human Services, and a host of other programs throughout the Federal Government.

Mr. President, I am especially concerned about the impact that this so-called Government Shutdown Prevention Act would have on our law enforcement agencies and the Federal courts. For these agencies, this proposal would, in fact, be a shutdown bill. It would itself be a severe setback in the war on crime and illegal narcotics. We finally have seen positive results from our efforts to bolster the Justice and Treasury Departments and our anticrime programs. The Bureau of Justice Statistics' most recent crime reports show that we are finally turning the corner on violent crime in America. They report a decline of 12.8 percent in violent crime—rape, robbery and assault. There is far too much crime in America. But we are starting to win the war, we hope. We should be enhancing our efforts, as the President's budget proposes. Instead, this shutdown proposal would hurt our law enforcement agencies, our men and women in uniform, as much as any terrorist or Mexican drug cartel or gang or organized crime figure could hope to. It would cause an about-face and undercut Federal law enforcement right in the midst of battle.

Let us look briefly at what this shutdown proposal would mean to specific Federal law enforcement agencies. These are conservative estimates that were supplied by the agencies themselves.

This proposal would cut the Federal Bureau of Investigation by $261 million below the President's budget request. It would eliminate at least 2,281 positions, including 965 FBI agents and 1,316 support staff. Reductions would

include 199 agents that investigate domestic terrorism and 175 agents that develop capabilities to counter the threat from chemical, biological, and nuclear materials. We have been adding positions to the FBI to deal with terrorist acts like the bombings in Oklahoma City and at the Atlanta Olympics. This would reverse the gains that we have made in mobilizing a Federal response to domestic and international terrorism.

Funding would not be available to complete the new FBI laboratory at Quantico, VA. We are all concerned with reports of problems in the operations of the current laboratory at headquarters. The FBI must have state-of-the-art facilities and continue to be the world's premier law enforcement forensic laboratory. We need to complete this $130 million laboratory, which is so important to Federal, State and local law enforcement.

Funding would not be available to continue the telephone carrier compliance effort called for under the Communications Assistance For Law Enforcement Act. All Senators know just how rapidly the telecommunications industry is changing. Telephones are now portable, and they are adopting digital technologies. Without funding for retrofitting telephone switches, we will be unable to conduct court-ordered wiretaps of drug dealers and organized crime and national security threats. This shutdown proposal would cut the Drug Enforcement Administration by $106 million. It would require the DEA to absorb $36 million in must-pay bills for cost-of-living adjustments, inflation and contract costs. It would force DEA to stop hiring agents, and we would not be able to provide for the 168 new special agents that are proposed in the President's budget.

DEA would have to cut back, rather than increase, its efforts to combat methamphetamine, or ''meth,'' as it is known, and drug trafficking in cocaine and heroin by the Colombian and Mexican cartels. DEA estimates that this bill would require a reduction in force of up to 263 special agents. It would stop dead in the water DEA's efforts to expand mobile enforcement teams that sweep through rural communities to weed out drug dealers. And it would severely set back our efforts to combat illegal narcotics on the southwest border, in Texas, California, New Mexico and Arizona.

This shutdown proposal would strike a blow against our efforts to make American borders secure against illegal immigration and drug smuggling. It would devastate the Customs Service and the Department of the Treasury and the Immigration and Naturalization Service in the Department of Justice. The proposal would cut $64 million and 201 agents from the U.S. Customs Service. It would result in reductions in antismuggling and drug-interdiction efforts, efforts that are important in keeping American borders safe and secure.

But reductions in staffing are only one component of keeping the borders secure. The reduction would also delay acquisition of high-energy detection systems and eliminate funding for border passenger processing systems. These systems identify attempts to smuggle illegal chemicals, refrigerants, and illegal aliens across the border. The reduction would also delay funding for the automated targeting system, which increases Customs' capability to conduct intensive border inspection.

This proposal would destroy the progress that we have made in building up the capability of the Border Patrol and the Immigration and Naturalization Service. These efforts really started with hearings on illegal immigration that I held in 1994 when I served as chairman of the Appropriations Committee. The INS advises that this bill would require the reduction of $385 million and would severely impact major enforcement programs such as detention and deportation, investigations, work site enforcement, and the apprehension of illegal aliens. This bill would stop dead in their tracks our efforts to build up the Border Patrol by 1,000 agents per year. We just reaffirmed this commitment in last year's immigration bill. The Border Patrol and INS advise that if they have to operate at 2 percent below current levels during fiscal year 1998, they will have to eliminate at least 1,671 personnel that were added just this year.

One of the real success stories in Federal law enforcement has been our Bureau of Prisons. We are putting away more criminals under lock and key and keeping them away from the public for longer periods. I fear that this shutdown bill would reverse this progress. The prison system advises us that this bill would require a reduction of $119 million from the President's budget request. They would be unable to activate a new medium security prison in Beaumont, TX. There would be no funds for the annualization costs of six new prisons scheduled for activation this year, resulting in the loss of more than 7,300 beds. We have been funding new construction. Now we need to have the money to staff and operate these institutions. Overcrowding would increase to 23 percent for the overall Federal prison system, rather than the planned goal of 12 percent for fiscal year 1998. Of course, we have learned that overcrowding is unsafe and often leads to institutional disturbances. Mr. President, we should not and we must not risk the safety of our dedicated correctional officers who serve in the Federal prisons throughout this country.

This shutdown proposal would require the reduction of $110 million and at least 280 personnel at the U.S. attorney offices across the country. This would impact our ability to prosecute violent criminals and criminal aliens. In case after case, from the current Oklahoma City bombing case in Denver to the World Trade Center bombing case, we turn to dedicated assistant U.S. attorneys to represent the people of the United States. All our investigations by the FBI, DEA and other agencies will come to naught; our investigations of the Mafia, drug traffickers, terrorists and violent criminals will be meaningless if we cannot rely on our prosecutors to fight in court and gain a conviction for these criminals. This provision would reduce prosecutors, increase caseloads, and delay prosecution.

This is a bad idea. This proposal would force the U.S. marshals to eliminate 61 positions hired in fiscal year 1997. The marshals are responsible for custody of presentenced Federal prisoners, finding fugitives, administering the court security program, and protection of Federal judges. They have advised us that with this reduction of $28 million, they would be unable to complete security improvements and projects at prisoner transportation holding areas. Since Oklahoma City, we have tried to build up court security with equipment and security guards, and we must not let down our guard.

I would be remiss if I did not discuss this proposal's impact on the Federal judiciary, our third branch of the Government. In short, the impact would be devastating. It would require a reduction of $425 million from the budget request for the courts. It would require the reduction of over 3,500 positions. The judiciary estimates that appellate and district courts would be reduced by almost 1,200 positions. There would be reduced staff in courtrooms for filings, motions, pleadings and scheduling of cases. The bankruptcy court's clerk's offices would be forced to eliminate approximately 1,000 clerks. This reduction would increase the backlog in issuing discharges, closing cases and processing claims. Probation and pretrial services would be reduced by approximately 1,330 positions. The supervision of offenders and defendants would be cut in half. Panel attorney payments would have to be suspended as early as July 1998. Mr. President, what we are talking about is failing to provide for basic constitutional rights like the right to be represented by counsel.

For education, the effects of full-year funding for 1998 at 98 percent of 1997 levels would also do great harm. College aid would be cut by $1.8 billion, 400,000 students would lose Pell grants, 52,000 children would be cut from Head Start, and aid to 2,000 local school districts would be cut.

For Health and Human Services, dramatic cuts would occur to the NIH, Ryan White and the Indian Health Service and, moreover, WIC would serve several hundred thousand fewer women, infants and children in 1998, and the Veterans Administration would have to deny care to 200,000 veterans.

In the area of transportation safety, the FAA would be unable to hire the

additional 500 air traffic controllers, 325 flight inspection and certification personnel and 173 security staff included in the 1998 budget.

Why anyone would think that enacting such a measure is a good idea is beyond me. Should we fail to enact one of the 13 bills, this so-called automatic measure would go into effect for up to 1 year, making mindless cuts in many beneficial programs like the ones I have mentioned, and yet all the while continuing funding in other programs that may have been slated for elimination because they are no longer needed.

This is mindless legislating. It is very much like saying because we have missed the deadline for the budget resolution, which we have by more than 2 weeks this year already, we should enact legislation which says we will just use last year's budget resolution minus 2 percent across the board and get on with our business.

Furthermore, the same delayed budget resolution has made it highly likely the Senate will be unable to pass all of the appropriations bills in a timely fashion and, therefore, highly likely that this automatic provision will be used. This is not to mention the obvious possible misuse of the automatic provision which could be employed by the majority if it were intent on cutting certain programs and could not get the minority or the President to go along. All that has to occur is for an appropriations bill to conveniently bog down beyond October 1, and the cuts I have previously mentioned could very magically occur without further consideration by the Appropriations Committee and without any further vote by the Senate.

I appreciate the ingenuity and the political acuity demonstrated by the authors of this device, but I would like to remind us all that making political trump cards on an emergency disaster bill may not be appreciated by the American people, especially the disaster victims who are waiting for our help.

It should be obvious to everyone that this is some kind of political ploy, else the attempt would not be made to attach it to a bill the President naturally would find very difficult to veto. In fact, if one can believe what one reads in the press, the reasons for this proposal are set out rather starkly in an article which appeared in the April 18, 1997 issue of a publication called Inside the New Congress. That publication discusses this so-called automatic CR provision under a heading entitled ''Automatic PR.''

Mr. President, I will continue my statement in support of my amendment on tomorrow. I yield the floor.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Arizona.

Mr. MCCAIN. Mr. President, I understand the concern of the Senator from West Virginia. I hope that he will then understand why the Senator from Texas, Senator HUTCHISON, and I have an amendment to raise the spending to a full 100 percent of the previous year rather than 98 percent, rather than force the impact that the Senator from West Virginia, as always, so eloquently described. So, therefore, I hope that the Senator from West Virginia will have no objection to a unanimous-consent request to lay aside his amendment so I can bring up my amendment, No. 112, which calls for 100 percent funding at the previous year's level and, that way, I hope that most of the concerns that the Senator from West Virginia has will be allayed and he then, of course, hopes that many of his concerns he voiced will be addressed.

So, Mr. President, I ask unanimous consent to lay aside the pending amendment and call up amendment No. 112.

Mr. BYRD. Mr. President, I object for the time being. It might not be that on tomorrow morning I will have objection. I am not sure. I would just like——

Mr. MCCAIN. I say to the Senator from West Virginia, if he will yield.

Mr. BYRD. Yes.

Mr. MCCAIN. I, of course, will have to make a motion to table the amendment of the Senator from West Virginia and ask for an immediate vote, because I believe that it is only fair to raise the spending level to 100 percent. I think that it is important for us to do that. I think the Senator from West Virginia, or his staff, knew that Senator HUTCHISON and I had planned on doing that when the original schedule was we were going to bring up his amendment and ours tomorrow morning.

So I hope that the Senator from West Virginia will agree to allow our amendment for 100 percent funding to be considered and his amendment be laid aside.

Mr. BYRD. Mr. President, as I say, I might not object tomorrow morning, but as of now, I would like to object and give the matter a little thought.

The PRESIDING OFFICER. Objection is heard. The Senator from Arizona has the floor.

Mr. MCCAIN. Mr. President, I intend to talk for quite a while on the issue and hope that perhaps sometime this evening the Senator from West Virginia will find it agreeable to raise the spending level, which is a very important part of this legislation, to 100 percent.

Frankly, I do not understand the rationale of why we cannot go ahead and just have that done and move forward with the debate on the issue itself. The issue itself is whether we are going to subject the American people, citizens, both Federal workers and non-Federal workers, to the hardship and the incredible discomfort and sometimes the wrecking of entire lives as a result of a shutdown of the Government.

In 1995, there were thousands of people in my State, non-Federal workers—non-Federal workers—who, unfortunately, were dislocated because of the shutdown of the Government and, therefore, not allowed to ever recover as the Federal workers were.

Some people have questioned what we are trying to do here and why. Perhaps their memories are not as good as mine as to the impact on my State and the Nation. I received this information from the Office of Management and Budget.

The National Park Service facilities were closed. On an average day, 383,000 people visit National Park Service facilities. Potential per day losses for businesses in communities adjacent to national parks could reach $14 million due to reduced recreational tourism.

As a result of the closing of Yosemite National Park, Mariposa County declared a state of emergency and asked Governor Wilson of California to declare the county an economic disaster area and, therefore, eligible for State aid.

Access to and use of national forests was restricted. The Forest Service-operated campgrounds, monuments and visitor centers were closed in the 155 national forests. No timber sales activities, including preparation, advertising and award of sales, occurred. Harvesting continued for sales awarded prior to the shutdown.

FHA mortgages and housing vouchers were halted. On an average day, the Federal Housing Administration processes 2,500 home purchase loans and refinancing totaling $230 million worth of mortgage loans for moderate- and low-income working families nationwide.

Last January of 1996, HUD was unable to renew 49,000 vouchers and other section 8 rental subsidies for low- and moderate-income households, which could have led to the eviction of those families.

Applications for passports were not processed. Foreign visitors were unable to obtain visas. On an average day, the State Department receives 23,000 applications for passports. On an average day, the State Department issues 20,000 visas to visitors, who spend an average of $3,000 on their trips, for a total of $60 million. Foreign students studying in the United States and home for the holidays were unable to obtain visas to return to the United States for their classes.

Veterans' benefits were not delivered. When the continuing resolution provided funding for certain benefits and payments, it expired and consequently contractors providing services and supplies to hospitals were not paid and benefits for January were not paid in February.

In addition, approximately 170,000 veterans did not receive their December Montgomery GI bill education benefits and did not receive benefits in January. Funding had lapsed for processing veterans' claims, for rehabilitation counseling, and veterans were unable to obtain VA guaranteed home loans.

Programs for the elderly were at risk. Some 600,000 elderly Americans faced the loss of Meals on Wheels, transportation, and personal care provided by the Health and Human Services Administration on Aging because the continuing resolution was not passed.

Contractors that handled Medicare claims were not paid. Approximately 24,000 contracting employees were involved in paying Medicare claims which averages about $3.5 billion per week, and most had to self-finance payrolls and other expenses or stop their activities. Federal funds to States for Medicaid were limited and will be limited in the case of another shutdown. In December 22 States received only 40 percent of the estimated quarterly payment for Medicaid. Without further action, the Federal match for Medicaid and its 36 million beneficiaries, including 18 million children, would have run out in late January.

Mr. President, I intend to talk more about the impact of the shutdown last time and the potential impact this time of a shutdown.

Let me just say that in some quarters, the Congress of the United States is not held in the highest esteem. When we shut down the Government because of our failure to agree with the President of the United States, that esteem plummets even further. What we did to the American people, average citizens who had no control over the situation, in December of 1995, is unconscionable and should not and cannot be repeated.

The whole purpose of what Senator HUTCHISON and I are trying to do, with the able leadership and assistance of the Senator from Alaska, is to make sure it does not happen again. We cannot let this kind of thing happen again. Too many innocent lives are injured and harmed permanently.

I understand the very eloquent statement of the Senator from West Virginia about what a shutdown would do at 98 percent. That is why the Senator from Texas and I are willing to raise it to 100 percent of the previous year's funding. Every program will be funded at the previous year's funding level until such time as there is agreement.

Mr. President, there are many other arguments that have been made against this shutdown-of-the-Government provision, one of them being perhaps there would be no incentive for the executive branch and legislative branch to agree on an appropriations bill.

We all know that there are many, many issues addressed in appropriations bills, far more than I would like, many of which I have complained about from time to time. There are policy changes, if I may be so crass, a great deal of earmarked spending which I have objected to from time to time.

It is still clearly in the interest for there to be an agreement. And it is still clearly in our interest to work together with the President of the United States. But, Mr. President, the option of such irresponsible behavior on the part of both branches that we would shut down the Government again is not thinkable and inexcusable, and I will not be a party—I will not be a party—to a situation again where the citizens of my State, who I am responsible for, when I have that responsibility will suffer as they did.

I note that the Senator from Wyoming is in the chair as the Presiding Officer. He knows the devastation that was wreaked in the national park—I believe Grand Teton in Jackson Hole—when the national park was shut down. We cannot have that repetition, and will not. And I would hope that the administration would continue to negotiate with us so we can avoid this and at the same time come to an agreement where we can prevent a future shutdown of the Government.

I would hope that the Senator from West Virginia would change his mind and agree to setting aside his amendment so that we may take up the 100 percent funding. And I intend to make that motion in a very short time again.

Mr. President, I yield the floor.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Texas.

Mrs. HUTCHISON. Mr. President, I want to thank my colleague from Arizona for his leadership in this area, because actually the Senator from Arizona and I have talked about this ever since the Government shutdown and then last year when we did not have a shutdown, but it really was not the normal course of negotiations when you get toward that September 30 deadline.

We have a freestanding bill that will in fact take care of the needs of Government after September 30, if we do not have an appropriations agreement. But then when we started looking at the fact that this is the supplemental appropriations bill, the first bill that has really hit the floor from the Appropriations Committee—it is May—if we waited much later than this I think perhaps agencies could say, ''Well, but we can't plan.''

I think it is important that the Federal agencies know exactly what is going to happen. I think it is important that we lay the groundwork in the first bill that we have on the floor in May before the September 30 deadline of how the process of appropriations is really going to work.

So that is why Senator MCCAIN and I introduced this, which we actually thought and hoped would have bipartisan support. We thought that if we did something that would say this is the way we are going to do it, if we put it on the table, that everybody would agree, because clearly no one wants to shut down Government. The President certainly does not. I am sure the distinguished minority leader from North Dakota does not. I am sure that Senator BYRD from West Virginia would not want to shut down the Government, and neither do any of us.

So what we are trying to do is say, how can we accomplish this in an orderly way? Senator MCCAIN and I and Senator LOTT and Senator STEVENS believe that this is the time to do it, so that we are not talking in the heat of a negotiation that is not going well on September the 29th of this year. What we are saying is we are going to run Government responsibly.

We had 98 percent of the 1997 expenditure level. Since that original amendment was filed, there has been a budget agreement. There has been a budget agreement between the President and Congress that has yet to pass Congress but nevertheless it is laying some parameters of higher spending levels going into 1998. But what we do not have is exactly what the policy is going to be in that 1998 level of expenditure. So there still is going to be negotiation about where the appropriations go within an agency's budget and what the policies might be.

So it is very important that we continue to work on making sure that we do not have a Government shutdown because there may be legitimate disagreements that cannot be solved by September 30. Of course, we hope they will be solved, but we all have seen that many times this has not happened because we have a President who is a Democrat and we have a Congress that is Republican, and sometimes our priorities are different. And we need the ability to negotiate in good faith without the hammer of a shutdown of Government over our heads.

So since we had the budget agreement that came into play that does have higher spending levels for 1998, Senator MCCAIN and I are willing to go from 98 percent to 100 percent, because letting the agencies continue to spend at the same levels that they are spending now seems to be reasonable since we now know that the levels will be higher.

There was a time last year when the President submitted his budget that the spending levels were not higher. Congress, in its original budget resolution, did not have the same 1998 level of expenditures. They are higher. So now that we know that, I think the 100 percent of present spending is certainly reasonable.

You know, I go back to what I said in the first place. If you cannot continue to run Government at a 2 percent discount or 100 percent of what you had last year, then you probably should not be managing a Federal agency because everybody has had to cut their budgets from time to time. They have had to cut them a lot more than 2 percent in small businesses around our country, in families that are trying to make ends meet because they have two kids in college at the same time. People have to stretch. And they do not quite understand why their hard-earned tax dollars are out there and we cannot cut

back 2 percent on Government expenditures that are actually their expenditures because they are paying for this Government.

But 100 percent, since we are going to be going to higher levels, is fine and I can go along with that. I am certainly willing to try to make sure that we do not disrupt Government, but I think we need to take the step. I think we need to go forward and say, here is how we are going to run the appropriations process. I think every American can understand that if we do not have the ability to negotiate, without the threat of shutting down Government, that we are not going to be able to stand on our principles. Perhaps the President does not feel that he can stand on his principles. And we would like to be able to do that and come to terms in the normal course of business.

So that is why we are trying to plan ahead. That is why we are trying to make sure that the Government is not shut down, that Federal employees who would like to come to work, but cannot because it is a law that they cannot, are not in any way put to the test of wondering if they are going to be able to make ends meet because their salary will not be there. I cannot imagine, in my wildest dreams, that Congress would not pay the salaries of people who would like to come to work but cannot because of some artificial deadline that says Government stops if we do not have an appropriations bill.

So we are trying to keep that from happening so that Federal employees will not be forced to take leave, so that veterans will not worry whether their benefits are going to be there, so that people who are traveling back from college to home will not be unable to do that because perhaps they do not have their passport, so that people will not be inconvenienced with their long-awaited family vacation to the Grand Canyon or the Washington Monument. I think it is important that we take this process step.

There is one other point I think is very important to make. And Senator STEVENS has made it many times on the floor, but I think it bears repeating, because there is somehow the implication that the flood victims in North Dakota, with whom all of us have great sympathy, might not get the payments they need to start rebuilding.

In fact, Mr. President, they are getting the money now. There is no hold-up in the emergency money that the flood victims are getting for rebuilding their homes or their office buildings. In fact, they are getting that money now. What we are talking about is a supplemental appropriations that would refill the coffers of the Federal Emergency Management Agency so that it will be ready for the next emergency. And we are trying to make sure that we cover all the expenditures that we are having to make right now.

But does anyone, for 1 minute, think that the loan processors and the people who are processing the claims of the flood victims in North Dakota are sitting there waiting for an appropriations bill to come through? Does anyone really believe that that is not going forward right now? I hope not, because nothing could be further from the truth.

In fact, the Federal Emergency Management Agency is on the job. They are on the spot. They are beginning to rebuild in North Dakota. And the money is there for them, as it should be. But what we are talking about is making sure that the money that is being spent now is replenished. So we have time to do this in the right way.

I think many people are concerned that there are other parts of this bill besides the emergency appropriations supplemental for North Dakota flood victims and for the people who are serving in Bosnia that—in fact, I would just make the same point for those in Bosnia who are serving there. They are not not getting what they would have. It is not as if this billion dollars that we are appropriating is going to do something that they do not now have. We are giving our young men and women who are protecting our country—if they are deployed to Bosnia on that mission, they are getting everything that they need to do that job.

But what we are talking about in this supplemental appropriations is replenishing the money that has been taken out of the Department of Defense for training, for equipment, for spare parts, for quality of life issues, such as housing and pay raises for our military.

We are putting the money back in that has been spent from the Department of Defense. And the Department of Defense does indeed need that money. And we are going to make sure that it goes in so that we do not interrupt the training and the equipment purchases and the spare parts purchases and the airplane purchases that are needed for our Defense Department.

So we are replenishing the coffers, but no one that is on a mission in Bosnia or a flood victim in North Dakota is not getting the services that have been authorized in previous legislation, previous bills for the Federal Emergency Management Agency.

So I want to make sure that everyone understands the money is going out. But there are some concerns among many of our colleagues on both sides of the aisle about some of the other parts of the bill. There are some clearly nonemergency, nonsupplemental needs that are being met in this bill. And I think some people are questioning whether maybe that should be put off to an appropriations process that is not in any way supplemental but is just the normal course of business.

So I think certainly debate is warranted. We do not want to in any way rush something through, because the people that need this money are getting the money that they need. I hope that we will be able to move forward on this.

I hope that at some point all of us will be able to vote on a continuing resolution that will assure that our Government goes along in an orderly way, that we also are able to negotiate in an orderly way on September 30 of this year if we do still have differences. We need to provide for those differences in an orderly way. And that is what our bill is trying to do.

I certainly appreciate the leadership of the Senator from Arizona. I am certainly with him on the McCain-Hutchison Government Shutdown Prevention Act which we believe very strongly is a matter of principle, it is a matter of responsible Government, it is a matter of fulfilling our responsibility to the Federal employees who serve our country, to the men and women in uniform that serve our country, to the people of our country who depend on Government services, such as running the parks and passports and veterans' benefits. All of these people deserve to know that we will make sure that they are taken care of in an orderly way, even if we have not been able to come to agreements on some appropriations bills by September 30.

Thank you, Mr. President.

I certainly appreciate once again the Senator from Arizona coming up and trying to make sure that we talk about this in an orderly way.

I yield the floor.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Arizona.

Mr. MCCAIN. I want to thank the Senator from Texas for her commitment to the people of her State and her efforts now for a long time to make sure that never again do we put the American people through the trauma of a Government shutdown.

I, as a conservative, believe in a minimal role of Government, but I am not a Libertarian. I do believe that there is a role for Government, and that is to provide basic and fundamental services to our citizens. That did not happen during the Government shutdown. I think we have an obligation to see that it does not happen again.

Mr. President, I want to point out again, we have been in negotiations with the White House on this issue. I believe the President of the United States, along with the Senator from West Virginia, who has many Federal workers in his State and many people who are dependent on the Federal Government, does not want another shutdown of the Government. I am still hopeful that at some point before we have a real showdown here and a possible veto of this very much needed supplemental appropriations bill, emergency supplemental appropriations bill, that we can get an agreement worked out that would prevent a shutdown of the Government ever again.

I have a lot to say, and I know that the Senator from West Virginia does, too. In fact, we were discussing the outlines of a unanimous consent agreement where the Senator from West Virginia would consume about 2½ hours tomorrow on this issue before we would vote on it. I look forward to that debate. I do not think we will need that much time.

I always pay attention to the arguments and discussions of the issues as articulated by the Senator from West Virginia. There is no one more respected in this body than the Senator from West Virginia. Some day he may leave, I am sure it will be after I do, but if and when he ever does, we will lose the corporate memory and the standards of conduct and behavior that was handed down to us by our predecessors. That flame is kept alive by the Senator from West Virginia. Over the past 10 years when I have been in the Senate in the company of the Senator from West Virginia, we have engaged in spirited but always respectful debate, occasionally on issues that the Senator from West Virginia feels the most passionate about—the line-item veto, of course, comes to mind.

I must admit again—I am almost sorry I brought it up—but I must admit again that the Senator from West Virginia has won the first round, a major victory in a Supreme Court decision concerning the line-item veto. I say to my friend from West Virginia the words of the famous philosopher Casey Stengel, ''It isn't over till it's over,'' and I am glad the U.S. Supreme Court has expedited their procedures to give us a final rendering on this issue.

I yield to the Senator from Texas for a question.

Mrs. HUTCHISON. Mr. President, I correct the RECORD, because it was in fact the great philosopher Yogi Berra who said, ''It ain't over till it's over.'' I did not want that to go unchallenged.

Mr. MCCAIN. I thank the Senator from Texas, who is always in tune with the world's great philosophers, for correcting me on that, and I appreciate that.

But back to the issue at hand, I hope the Senator from West Virginia recognizes that I do take to heart his admonitions concerning a 98-percent funding as opposed to a full funding. It is clearly our intention to make this 100 percent funding, and that we could debate this issue on those parameters. I think it would be not as useful for us to be conducting this debate on this issue of the Prevention of the Shutdown of Government Act under conditions which would not prevail in the event of a final vote on this issue.

I respectfully, again, request the Senator from West Virginia if he would allow me to raise this to 100 percent and perhaps we could adjourn and discuss this issue tomorrow where we would have more attention from our colleagues and the American people. I do not mind debating and discussing this issue tonight, and the Senator from West Virginia and I have spent many evenings in debate and discussion, but I think with the importance of this issue, that it deserves tomorrow where we have, frankly, our friends in the media who will pay more attention and perhaps report this issue to the American people in a more accurate fashion than tonight.

So, having said all that, I request of my friend from West Virginia if I could make a unanimous consent agreement to set aside the pending amendment and call up amendment 112 for purposes of consideration and voice vote, and then return to the amendment of the Senator from West Virginia.

Mr. BYRD. Reserving the right to object, first of all, I appreciate very much the kind remarks that the distinguished Senator from Arizona has made in my direction. I can reciprocate by saying there is no Senator in this body who works harder, and few, perhaps, who work as hard and as effectively as does the distinguished Senator from Arizona. He amazes me with his ability to come up with amendments on almost every bill, and he seems to be conversant on virtually any subject to come before the Senate. I admire him for that.

Mr. President, whether it is 98 percent or 100 percent, I have to oppose such an amendment. I join with the Senator in expressing the hope that we can discuss this tomorrow where we, hopefully, will have a larger audience.

I prefer not to accede to his request tonight. I have lined up several speakers who are ready to speak on this language that is in the bill, and that is the language I attempted to strike in the committee earlier when we had markup. The Senator will get a vote one way or another on his proposal, I am sure. I hope, however, he would not press the request tonight, and let us return in the morning and think about it overnight. It may be I would accede to the request then, or I might not. But whether I do, he will find ways to get a vote on his amendment, or, as he says, he will move to table mine. He has several alternatives open to him. I hope we would not press the matter tonight, and we will come back, and, after a good night's rest, I will be prepared to take another look at it.

So I am constrained to object tonight, Mr. President.

The PRESIDING OFFICER. The objection is heard.

Mr. MCCAIN. Mr. President, I am, of course, disappointed in the response of the Senator from West Virginia. I guess at this time I have to contemplate an amendment to table the motion of the Senator from West Virginia based on the grounds that if other speakers came and spoke on this issue, Mr. President, they would not be speaking about it in its entirety, in its actuality, when the entire Senate would decide on this issue.

In fact, I have already gotten a taste of that debate by saying that it would make all these draconian cuts to different programs, et cetera. I do not feel it is appropriate not to have an agreement that we should debate the issue as the Senator from Texas and I intended. I say that with all respect. I do not think it is appropriate not to have a debate and discussion until the true parameters and the intention of the sponsors of the amendment are taken into consideration.

So, Mr. President, in a moment I will suggest the absence of a quorum and then decide as to whether I will move to table, and call for a recorded vote at this time.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll. The assistant legislative clerk proceeded to call.

Mr. STEVENS. 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. STEVENS. We had almost arranged for an amendment to be called up at 9 o'clock, to be voted on at 10 o'clock, and I discussed with Senator BYRD, does the Senator have any objection if we set aside this situation now and took up that other amendment and have it argued between 9 o'clock and 10 o'clock and come back to this amendment at 10 o'clock.

Mr. MCCAIN. I think that would be a reasonable compromise. I thank the Senator for his indulgence.

Mr. STEVENS. I am informed another Senator involved in that cannot be here before 10 o'clock.

Mr. MCCAIN. I do not see any other option I have except to move to table the amendment.

Mr. STEVENS. Mr. President, under the circumstances, under the informal agreements we have entered into before, I ask the vote on that motion to table be carried over until 10 o'clock in the morning; is that agreeable?

Mr. MCCAIN. Yes.

Mr. STEVENS. The vote will not occur tonight, and we will try to work in another amendment and take up this vote on this motion to table at a later time.

Mr. MCCAIN. I say, in due respect to the Senator from Alaska, I cannot agree at this moment that we will not have a recorded vote on a motion to table tonight. I have to reserve that right.

Mr. STEVENS. That is correct, because we still have to ask for unanimous consent, Senator, and we have not gotten that. I stated that is our intent not to have a vote tonight. We will try to work out this triangle and see if we can get the other amendment in before the vote, and if we can, we will do our best.

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll. The assistant legislative clerk proceeded to call.

Mr. MCCAIN. 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. MCCAIN. Mr. President, I want to make it clear to the Senator from West Virginia that I am not trying to preclude debate and discussion on his amendment, and I would like to have an agreement which would allow, obviously, what the Senator from Texas and I are seeking, and that is raising to a 100 percent level, but also I would not presume, after all these years, to make a motion to table which would prevent the Senator from West Virginia in making full use of whatever time he feels necessary to debate this very important issue. I want to make that clear.

Mr. BYRD. Mr. President, I thank the distinguished Senator for his characteristic courtesy and generosity. I would hope that we could wait until tomorrow so we could have more time, so that others on my side could be here to participate in the debate. And may I say, it may very well be that, by the time the sun rises on tomorrow, I may decide to remove my objection and let the Senator proceed with his amendment.

Mr. STEVENS. May I inquire if the Senator would agree that we could come in and start the debate earlier? I know the Senator didn't want to vote until later because of other Senators' arrival. Would the Senator agree that we could come back on the bill before 10? We are trying to finish by 6 o'clock tomorrow night. So the proceedings at that time could start.

Mr. BYRD. Could we begin at 9:30?

Mr. STEVENS. I would be delighted. I shall convey that to the leader. That will not be a vote; that will be continued debate.

Mr. BYRD. Exactly. Leave everything in the status quo until that moment.

Mr. STEVENS. We have other agreements we may get tonight pertaining to other Members. I will go back to a quorum call if everybody is finished.

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. MCCAIN. 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. MCCAIN. Mr. President, I ask unanimous consent that the pending amendment of the Senator from West Virginia be set aside and the amendment which is at the desk, No. 112, be called up for immediate consideration.

Mr. BYRD. Mr. President, reserving the right to object. I hope that the Senator will simply ask unanimous consent that the ''98 percent'' be changed to ''100 percent'' so that my amendment may not be set aside.

UNANIMOUS CONSENT AGREEMENT

Mr. MCCAIN. MR. PRESIDENT, I ASK UNANIMOUS CONSENT THAT THE PENDING AMENDMENT BE RAISED FROM ''98 PERCENT'' TO ''100 PERCENT'' OF FUNDING.

The PRESIDING OFFICER. For clarification, the words ''98 percent'' appear on line 19 of page 81; is that where you are changing that?

Mr. MCCAIN. Yes. I asked that it be changed to 100 percent.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request?

Without objection, it is so ordered.

Mr. MCCAIN. Mr. President, again, I thank the Senator from West Virginia, as always, for his courtesy. I look forward to a spirited elocution and informative debate on tomorrow.

I thank the Senator from West Virginia.

Mr. BYRD. Mr. President, I thank the distinguished Senator.

Mr. WARNER. Mr. President, I rise to associate myself with comments made previously by my colleagues, Senator MCCAIN and Senator HUTCHISON. I rise in support of the Government Shutdown Prevention Act and the efforts to add this to the supplemental appropriations bill. This provision will create a statutory continuing resolution to safeguard Federal and military pay in the event of a Government shutdown. Further, it would provide for continuing appropriations for key Government functions in the event of a spending impasse like we suffered in 1995.

This provision, when attached to the emergency supplemental, will only take effect if the appropriations acts do not become law or if there is no continuing resolution in place at the beginning of the new fiscal year on October 1.

Although I am a strong supporter of the balanced budget and the reconciliation process, I am deeply concerned that our Federal employees could again be held hostage to the politics of the budget process between the Congress and the administration. Our Nation's dedicated civilian and uniformed Federal personnel should never again be penalized for the inability of Congress and the administration to agree on spending priorities.

As stated in a 1991 GAO report on Government shutdowns, closing the Government does not save money. In fact, the GAO reported that a mere 3-day workweek shutdown would cost taxpayers between $245 and $600 million. In this time of tight budgetary constraints, such irresponsible actions make no sense.

Mr. President, with more than 300,000 Federal employees and retirees in the Commonwealth of Virginia, the effects of a Government shutdown, even one of a short duration, would be devastating to our local economy.

The impact of the shutdown over the 1996 Federal budget spread beyond just our Federal employees in the metropolitan Washington region. It caused a ripple effect well beyond the Capital Beltway. From trips canceled due to lack of passports; to the closure of our National Parks and the economic impact on those communities who depend on tourists for their economic well-being; to our prisons and VA hospitals that must ask vendors to supply food on credit—the shutdown created havoc.

Federal employee are not the only group that is affected by a Federal Government shutdown. Thousands of companies, who contract with the Government, would be impacted unless a safety net is in place. These firms are dependent upon revenues for services and goods rendered, in order to keep their doors open and to continue paying their employees.

By an overwhelming majority, the American people are still fearful of the reoccurrence of a Government shutdown. Our Federal employees remember November 14, 1995, and the following 6-day shutdown as Congress feuded over the 1996 Federal budget, at a total cost to the taxpayer of $800 million. They remember December 15, 1995, when the Government shut down again, this time for 21 days, at a total cost of $520 million.

I applaud the Republican leadership of Senator MCCAIN and Senator HUTCHISON. By providing this safety net against a potential trainwreck, we are changing the way that Government does business. We cannot continue business as usual when we play politics and appear cavalier in attitude toward our Federal employees—both civilian and military.

Mr. ABRAHAM. Mr. President, the bill before us addresses the effects of natural disasters which occurred in the Midwest and California. I would like, right now, to address a portion of the bill that is designed to prevent a man-made disaster. That provision, the safety net continuing resolution for fiscal year 1998, would, as Senator MCCAIN has made clear, prevent a Government shutdown in the event the regular annual appropriation bills are not enacted into law by October 1.

Mr. President, just over a year ago, on April 26, 1996, President Clinton signed legislation which ended a 7 month budget stalemate. That stalemate involved no fewer than 15 continuing resolutions, 2 full-fledged Government shutdowns—one lasting a record 27 days—and numerous Presidential vetoes. By President Clinton's own account, it cost the taxpayers $1.5 billion.

But the costs of this shutdown went beyond this $1.5 billion. Thousands upon thousands of Federal employees were furloughed. Thousands of small businesses, particularly those near national parks closed during the Government shutdown, suffered crippling loss of business. And American citizens suffered innumerable inconveniences, many of them quite serious.

For example, Mr. President, 10,000 new Medicare applications, 212,000 Social Security card requests, 360,000 individual office visits and 800,000 toll-

free calls for information and assistance were turned away each day. Hundreds of thousands of ordinary Americans were inconvenienced, or had to temporarily forego benefits for which the Government requires things like Social Security cards, because we could not reach a budget agreement.

And the problems did not stop there. Some of our most vulnerable people suffered from the Government shutdown: 13 million AFDC recipients, 273,000 foster care children, over 100,000 children receiving adoption assistance services and over 100,000 Head Start children had their services delayed. And I have not even mentioned the 9 million Americans whose vacations and outings were ruined because they were turned away from our national parks and museums.

Mr. President, we must prevent this situation from occurring ever again. The Government shutdown caused inconvenience, occasional trauma, and a wide-spread increase in the cynicism of the American people, now more convinced than ever that our executive and legislative branches of Government are incapable of doing their jobs.

We can do our jobs, Mr. President, and we must see to it that we do them without allowing the Federal Government to again shut down. We must come to grips with the fact that, under current rules, Government shutdowns are a risk that must be addressed. 1995 was not the first year in which we had a Government shutdown. Over the last 20 years there have been numerous such occurrences, and even more numerous stopgap funding bills passed at the last minute to prevent them.

Part of the problem Mr. President, is our complicated budget process. As currently constituted, this process seems designed to confuse the people as they seek to understand what we are doing and exactly who is holding up agreement. In addition, Mr. President, the American people have elected divided government. They have chosen a President with one set of priorities, and a majority in Congress that in some ways has significantly different priorities.

As a result of a convoluted process and conflicting priorities, we are in the midst of a 2-year budget stalemate. I sincerely hope that the budget agreement announced on Friday will produce tax relief for the American people, a balanced budget by 2002, sufficient funding for our national defense, and much-needed spending restraint. If it includes these things, Mr. President, we may at last see an end to the budget stalemate.

But we cannot sit idly by in the hope that all will be well. We can and must strive in the meantime to ensure that this year no shutdown will occur even if the budget deal breaks down.

That is why I am urging my colleagues to support provisions in this continuing resolution that would put a safety net under our Government, and under the American people. It would create a statutory continuing resolution, triggered only if the appropriations acts do not become law or if there is no governing continuing resolution in place. This legislation would ensure that the Government does not shut down by funding Government programs next year at 98 percent.

What this means, Mr. President, is that the Federal Government, in case of a budget impasse, would be funded at a level sufficient to continue essential services—sufficient to prevent any real inconvenience to the American people—without undermining the incentive to pass appropriations bills on time.

It is my hope that we will not need this provision. It is my conviction that we should enact it so that the American people will continue to receive the services they expect from their Federal Government even if there is a budget impasse. I urge my colleagues to support this important, safety net provision.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. BYRD. Mr. President, I ask unanimous consent that my pending amendment be set aside temporarily.

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

Mr. STEVENS. 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. STEVENS. 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. 235

(Purpose: To assure sufficient funding for Essential Air Service under the Rural Air Service Survival Act)

Mr. STEVENS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. KERREY, for himself, and Mr. DORGAN, proposes an amendment numbered 235.

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

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

The amendment is as follows:

At the appropriate place in the bill insert the following new language:

SEC. . Section 45301(b)(1)(A) of title 49, United States Code, is amended inserting before the semicolon ''and at least $50,000,000 in FY 1998 and every year thereafter''.

Mr. STEVENS. Mr. President, it is my understanding that the proponents of amendments Nos. 95 and 96 agree to this language. This new language is to be a substitute for the proposals before the body regarding international flight user fees. It has been agreed to by both sides and, therefore, is ready for passage.

The PRESIDING OFFICER. Is there further debate?

The question is on agreeing to the amendment.

The amendment (No. 235) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

## MORNING BUSINESS

Mr. STEVENS. Mr. President, I ask unanimous consent that we now go into a period for routine morning business.

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

## U.S. FOREIGN OIL CONSUMPTION FOR WEEK ENDING MAY 2

Mr. HELMS. Mr. President, the American Petroleum Institute reports that for the week ending May 2, the United States imported 8,106,000 barrels of oil each day, 805,000 barrels more than the 7,301,000 imported during the same week 1 year ago.

Americans relied on foreign oil for 55.9 percent of their needs last week, and there are no signs that the upward spiral will abate. Before the Persian gulf War, the United States obtained approximately 45 percent of its oil supply from foreign countries. During the Arab oil embargo in the 1970's, foreign oil accounted for only 35 percent of America's oil supply.

Anybody else interested in restoring domestic production of oil—by U.S. producers using American workers? Politicians had better ponder the economic calamity sure to occur in America if and when foreign producers shut off our supply—or double the already enormous cost of imported oil flowing into the United States—now 8,106,000 barrels a day.

## THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, May 6, the Federal debt stood at $5,337,028,737,421.51.

One year ago, May 6, 1996, the Federal debt stood at $5,096,257,000,000.

Five years ago, May 6, 1992, the Federal debt stood at $3,882,040,000,000.

Ten years ago, May 6, 1987, the Federal debt stood at $2,278,744,000,000.

Fifteen years ago, May 6, 1982, the Federal debt stood at $1,057,151,000,000, which reflects a debt increase of more than $4 trillion (4,279,877,737,421.51) during the past 15 years.

## TOBACCO TAXES

Mr. KENNEDY. Mr. President, last Friday's Wall Street Journal published the results of an April 1997 poll it conducted with NBC News. One of the questions in the survey deserves special attention.