

the implementing agencies and local redevelopment authorities under the 1994 Act will be published on Monday, August 7, 1995.

In order to fulfill the intent and purpose of the 1994 Act, the Department of Defense must retain authority to dispose of bases closed in the 1988 and 1990 Acts, beyond the end of the current fiscal year. Unfortunately, the General Services Administration's original delegation of its authority to dispose of surplus property to the DOD was by its own terms set to expire October 1, 1995. Particularly in light of later amendments to the base closure laws which clarified that DOD's disposal authority was to extend beyond that date, GSA should renew—indeed, it is required—to extend its delegation of authority.

This matter is of great interest to the local redevelopment authority in East Hanover Township, NJ, which is working within the 1994 Act to prepare a redevelopment plan for a small base closed under the 1988 Act. I understand that there are one or more bases around the country similarly situated.

I had intended to offer an amendment to make it absolutely clear that DOD's disposal authority continues beyond the current fiscal year, and mandate the appropriate delegation of authority by GSA. However, I have received assurances from the GSA that it fully intends to extend its delegation of authority. I have also received a copy of a memorandum from DOD's general counsel's office expressing its view that DOD retains its disposal authority. In reliance on these statements, I will withhold my amendment.

However, I would like to seek the commitment from the chairman and ranking member that they will seek an appropriate legislative solution in conference, should it appear before conference is completed that, for some reason, the delegation will not be renewed by the agencies.

Mr. THURMOND. It is certainly the intent of the committee that the DOD shall continue to exercise authority beyond October 1, 1995, to dispose of 1988 bases whose redevelopment authorities elected to proceed under the 1994 Act. The appropriate agencies are apparently on track to make sure that the authority is in place. However, if there is a snag, I assure my colleague from New Jersey that we will be prepared to correct the matter in conference. In the meantime, I appreciate my colleague's withholding his amendment at this time.

Mr. NUNN. I concur with the chairman and join in his commitment.

Mr. LAUTENBERG. I thank my distinguished colleagues. I ask unanimous consent that the full text of a letter to me from the General Services Administration be placed in the RECORD, along with a memorandum from the general counsel's office of DOD.

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

GENERAL SERVICES  
ADMINISTRATION,  
PUBLIC BUILDINGS SERVICE,  
Washington, DC, August 3, 1995.

Hon. FRANK LAUTENBERG,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR LAUTENBERG: As discussed with Mr. Mitch Warren of your staff and Ms. Marcia Herzog of the General Service Administration (GSA's) Office of Congressional and Intergovernmental Affairs, I am responding to your concerns with respect to GSA's extension of disposal authority to the Department of Defense (DOD) pursuant to the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526) of October 24, 1988. The delegation, under its own terms, will expire on October 1, 1995.

Last week this Office received from DOD the Fiscal Year 1994 Annual Report, required by the current delegation, detailing DOD's exercise of the Administrator of General Services' disposal authority under the Federal Property and Administrative Services Act of 1949, as amended. As discussed with Mr. Warren on July 25, 1995, receipt of this report was requisite to our extension of the delegation.

We are in the process of reviewing DOD's report. Upon completion of our review, we intend to transmit an extension to DOD no later than August 31, 1995.

I hope this information is responsive to your concerns.

Sincerely,

DAVID L. BIBB  
(FOR KENNETH R. KIMBROUGH,  
Commissioner).

DEPARTMENT OF DEFENSE,  
OFFICE OF GENERAL COUNCIL,  
Washington, DC, August 2, 1995.

MEMORANDUM FOR THE SPECIAL ASSISTANT TO  
THE ASSISTANT SECRETARY OF DEFENSE FOR  
ECONOMIC SECURITY

Subject: Status of the Delegation of GSA's  
Authority Under the Federal Property  
and Administrative Services Act of 1949  
with respect to Installations Closed or  
Realigned Pursuant to the Base Closure  
and Realignment Act of 1900

The 1988 BRAC Act directed the Administrator of GSA to delegate him authority under Federal Property and Administrative Services Act of 1949 with respect to property at installations closed or realigned pursuant to the 1988 BRAC Act to the Secretary of Defense. 1988 BRAC Act at Section 204(b). The Administrator's delegation to the Secretary of Defense pursuant to this provision was issued with an expiration date of September 30, 1995.

Under the 1988 BRAC Act, the authority of the Secretary to carry out any closure or realignment "shall terminate on October 1, 1995," except that the termination of authority "shall not apply to the authority of the Secretary to carry out . . . disposal of property of [1] military installations closed or realigned under this title." BRAC Act at Section 202(c). Because the 1980 BRAC Act as originally enacted did not contain any exemption from the general termination of authority, the limited term delegation of authority by GSA was entirely appropriate. However, as the 1988 BRAC Act is currently written (as the result of amendment over the years), there is no question that the Administrator of GSA is obligated to delegate his authority to the Secretary of Defense with respect to BRAC 1988 installations. This legal conclusion has been agreed to by all parties within the Department of Defense who have examined the issue, including the Department of the Army, and it has been

agreed to by Rich Butterworth, the lawyer for GSA who is responsible for all BRAC-related issues.

The Department of the Army has been acting as DoD's executive agent for purposes of securing an extension to the GSA delegation. It has shared a draft request for an extension with GSA, and the only issue that arose as a result was the fact that DoD had failed to submit a report on the disposition of properties pursuant to the delegated authority to GSA. GSA told the Army that it would not extend the delegation until DoD submitted the required report, but it also told the Army that there were no other impediments, legal or otherwise, that would therefore with the issuance of a new delegation.

In response to inquiries about the tardy report, work on the report was promptly completed, and the report was submitted from DoD to GSA more than two weeks ago. I have been informed by GSA that there are no remaining barriers to the issuance of an extended delegation.

The formal request for a new delegation, however, has not yet been submitted by DoD. The request is being staffed by the Department of the Army, and the Army anticipates that it will clear its review process shortly after the end of this week. I have requested the Army to forward the request to your offices, to the attention of Robert Hertfeld, for prompt proceeding.

ROBERT S. TAYLOR,  
Deputy General Counsel,  
Environment and Installations.

#### IS CONGRESS IRRESPONSIBLE? CONSIDER THE ARITHMETIC

Mr. HELMS. Mr. President, the impression will not go away: The \$4.9 trillion Federal debt stands today as a sort of grotesque parallel to television's energizer bunny that appears and appears and appears in precisely the same way that the Federal debt keeps going up and up and up.

Politicians like to talk a good game—and "talk" is the operative word—about reducing the Federal deficit and bringing the Federal debt under control. But watch how they vote.

Control, Mr. President. As of Thursday, August 3, at the close of business, the total Federal debt stood at exactly \$4,956,664,786,501.42 or \$18,815.58 per man, woman, child on a per capita basis. *Res ipsa loquitur*.

Some control, is it not?

#### AGREEMENT BETWEEN THE UNITED STATES AND THE GOVERNMENT OF THE REPUBLIC OF BULGARIA—MESSAGE FROM THE PRESIDENT—PM 75

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations:

*To the Congress of the United States:*

I am pleased to transmit to the Congress, pursuant to sections 123 b. and 123 d. of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2153(b), (d)), the text of a proposed Agreement Between the Government of the United States of America and the Government of the

Republic of Bulgaria for Cooperation in the Field of Peaceful Uses of Nuclear Energy with accompanying annex and agreed minute. I am also pleased to transmit my written approval, authorization, and determination concerning the agreement, and the memorandum of the Director of the United States Arms Control and Disarmament Agency with the Nuclear Proliferation Assessment Statement concerning the agreement. The joint memorandum submitted to me by the Secretary of State and the Secretary of Energy, which includes a summary of the provisions of the agreement and various other attachments, including agency views, is also enclosed.

The proposed agreement with the Republic of Bulgaria has been negotiated in accordance with the Atomic Energy Act of 1954, as amended by the Nuclear Non-Proliferation Act of 1978 and as otherwise amended. In my judgment, the proposed agreement meets all statutory requirements and will advance the non-proliferation and other foreign policy interests of the United States. It provides a comprehensive framework for peaceful nuclear cooperation between the United States and Bulgaria under appropriate conditions and controls reflecting our strong common commitment to nuclear non-proliferation goals.

Bulgaria has consistently supported international efforts to prevent the spread of nuclear weapons. It was an original signatory of the Non-Proliferation Treaty (NPT) and has strongly supported the Treaty. As a subscriber to the Nuclear Supplier Group (NSG) Guidelines, it is committed to implementing a responsible nuclear export policy. It played a constructive role in the NSG effort to develop additional guidelines for the export of nuclear-related dual-use commodities. In 1990 it initiated a policy of requiring full-scope International Atomic Energy Agency (IAEA) safeguards as a condition of significant new nuclear supply to other nonnuclear weapon states.

I believe that peaceful nuclear cooperation with Bulgaria under the proposed agreement will be fully consistent with, and supportive of, our policy of responding positively and constructively to the process of democratization and economic reform in Eastern Europe. Cooperation under the agreement will also provide opportunities for U.S. business in terms that fully protect vital U.S. national security interests.

I have considered the views and recommendations of the interested agencies in reviewing the proposed agreement and have determined that its performance will promote, and will not constitute an unreasonable risk to, the common defense and security. Accordingly, I have approved the agreement and authorized its execution and urge that the Congress give it favorable consideration.

Because this agreement meets all applicable requirements of the Atomic

Energy Act, as amended, for agreements for peaceful nuclear cooperation, I am transmitting it to the Congress without exempting it from any requirement contained in section 123 a. of that Act. This transmission shall constitute a submittal for purposes of both sections 123 b. and 123 d. of the Atomic Energy Act. The Administration is prepared to begin immediately the consultations with the Senate Foreign Relations and House Foreign Affairs Committees as provided in section 123 b. Upon completion of the 30-day continuous session period provided for in section 123 b., the 60-day continuous session period provided for in section 123 d. shall commence.

WILLIAM J. CLINTON.

THE WHITE HOUSE, August 4, 1995.

#### PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-277. A petition from a citizen of the State of Kansas relative to the Federal Reserve Bank; to the Committee on the Judiciary.

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POM-279. A petition from a citizen of the State of Kansas relative to the Federal Reserve Bank; to the Committee on the Judiciary.

POM-280. A petition from a citizen of the State of Nebraska relative to the Federal Reserve Bank; to the Committee on the Judiciary.

POM-281. A petition from a citizen of the Commonwealth of Massachusetts relative to impeachment; to the Committee on the Judiciary.

POM-282. A petition adopted by the Council of the City of Toledo, Ohio relative to the assault weapons ban; to the Committee on the Judiciary.

POM-283. A resolution adopted by the Unitarian Universalist Congregation of the City of Binghamton, New York relative to the school prayer; to the Committee on the Judiciary.

POM-284. A joint resolution adopted by the Legislature of the State of Illinois; to the Committee on the Judiciary.

#### “HOUSE JOINT RESOLUTION NO. 33

“Whereas, although the right of free expression is part of the foundation of the Constitution of the United States, very carefully drawn limits on expression in specific instances have long been recognized as legitimate means of maintaining public safety and prohibiting patently offensive behavior; and

“Whereas, certain actions, although arguably related to rights of expression, nevertheless raise issues concerning public decency, public peace, and the rights of other citizens; and

“Whereas, certain symbols of our national soul, such as the Washington Monument, the United States Capitol, and memorials to our greatest Leaders, are the property of every American and are worthy of protection from desecration and dishonor; and

“Whereas, the United States Flag is a most honorable and worthy symbol of a nation that is thankful for its strengths and committed to curing its faults, a nation that remains the destination of millions of immi-

grants attracted by the universal power of the America ideal; and

“Whereas, the law as interpreted by the United States Supreme Court no longer accords the Flag the reverence, respect, and dignity befitting that symbol of the most noble experiment of a nation-state; and

“Whereas, it is appropriate that people everywhere should forcefully call for restoration of the Flag to a proper status that is protected by law and decency; therefore, be it

“Resolved, by the House of Representatives of the Eighty-Ninth General Assembly of the State of Illinois, the Senate concurring herein, That we urge the Congress of the United States to propose to the States an amendment to the Constitution of the United States which specifies that Congress and the States have the power to prohibit the physical desecration of the United States Flag; and be it further

“Resolved, That suitable copies of this resolution be delivered to the President pro tempore of the United States Senate, the Speaker of the United States House of Representatives, and each member of the Illinois Congressional Delegation.”

POM-285. A resolution adopted by the Senate of the General Assembly of the State of Colorado; to the Committee on the Judiciary.

#### “SENATE MEMORIAL 95-2

“Whereas, our government is based upon the principle that all political power is vested in and derived from the people and that all persons have certain essential and inalienable rights; and

“Whereas, in support of the amendments to the Constitution, James Madison stated to the United States House of Representatives that he believed ‘. . . that the great mass of the people who opposed (the new Constitution) disliked it because it did not contain effectual provisions against the encroachments on particular rights, and those safeguards which they have been long accustomed to have interposed between them and the magistrate who exercises the sovereign power . . .’; and

“Whereas, after considerable debate, the Constitution of the United States was amended by the first ten amendments collectively known as the Bill of Rights in order to formally recognize and establish the inalienable rights of each and every individual; and

“Whereas, all of the rights protected in the United States Bill of Rights are important and should be respected; and

“Whereas, the Fourth Amendment states: ‘The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures shall not be violated; and no warrant shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.’; and

“Whereas, the exclusionary rule has been central to implementation of the Fourth Amendment in the federal courts for almost a century; and

“Whereas, the exclusionary rule has worked well to protect the privacy and dignity of all Americans and to protect the integrity of law enforcement; and

“Whereas, our government must avoid federal attempts through legislation to weaken the Fourth Amendment; and

“Whereas, the inevitable result of federal attempts to weaken the Fourth Amendment would be an increase in the number of warrantless searches and a decrease in the privacy rights of all Americans, the innocent as well as the guilty; Now, therefore, be it

“Resolved by the Senate of the Sixtieth General Assembly of the State of Colorado: That