United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 104th CONGRESS, FIRST SESSION

Vol. 141 WASHINGTON, THURSDAY, DECEMBER 14, 1995 No. 199

Senate

The Senate met at 9:30 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

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

Gracious Father, as nature abhors a vacuum, You deplore deadlocks that debilitate progress. We confess that we are hammerlocked and pinned to the mat by seemingly unresolvable differences in the negotiations between the Congress and the White House over the budget. The clock is running and ticks toward tomorrow's deadline. Meanwhile, the Nation watches, worries, and wonders.

Lord, help us to reorder our priorities. Deliberately we set aside self-serving manipulation. We trade in our party spirit for the spirit of patriotism. Grant both sides in this negotiation that triumphant transition that happens when we give up the pride of thinking that we have all of the answers and dare to pray, ''Lord, show us the way to break this deadlock.'' Displace our distrust of each other; replace it with a deep commitment to creative compromise. There is so much on which both factions agree. Give us the will to press on until workable solutions are found. We begin this day asking You to work in the minds and hearts of those who bear the responsibility of finding Your solution. Give them clear heads and willing hearts. We ask this for the good of the Nation and for the continuing respect of the people for the ability of the executive and legislative branches of Government to work together to govern this land. In the name of our Lord. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able Senator from Oklahoma is recognized.

PROGRAM

Mr. INHOFE. Mr. President, today there will be a period for morning business until the hour of 10:30 with Senators permitted to speak up to 5 minutes each, with the following exceptions: Senator WELLSTONE, 30 minutes; Senator MURKOWSKI, 15 minutes; Senator JEFFORDS, 15 minutes.

At 10:30 this morning, the Senate will begin consideration of the Interior appropriations conference report, H.R. 1977. That conference report is limited to 6 hours of debate. However, some of that debate time may be yielded back.

Following a vote on the Interior appropriations conference report, the Senate may turn to the consideration of the State Department reorganization bill under a previously agreed to 4-hour time limit. Rollcalls can therefore be expected throughout the day today.

Mr. WELLSTONE addressed the Chair.

The PRESIDENT pro tempore. The distinguished Senator from Minnesota is recognized.

Mr. WELLSTONE. I thank the Chair.

(Mr. INHOFE assumed the chair.)

LOW-INCOME ENERGY ASSISTANCE

Mr. WELLSTONE. Mr. President, I rose last week to talk about an issue that is critical to people in my State, and across the Northeast and upper Midwest. There have been scores of editorials in major newspapers all across the country dealing with a fundamental moral issue that we, in this Nation, are confronted with this week in the Senate and House of Representatives.

The title of this editorial is ''Pray for Warm Winter. GOP Plans Mean Pork and a Loss of Heating Aid.''

I am going to be joined by a number of colleagues throughout the day who want to speak on this issue. My colleague from Wisconsin is here, Senator KOHL. I wish to make sure that other colleagues know that only late last night did we realize we would have some time today. But there have been a number of Senators who have taken a lead on this issue—Senator LEAHY, Senator JEFFORDS, Senator COHEN, Senator SNOWE, Senator KENNEDY, Senator HARKIN, Senator ABRAHAM, Senator MOYNIHAN, and others—Democrats and Republicans alike.

Mr. President, fuel assistance programs across the country have run out of money, and people are being forced out in the cold. We are confronted with the fierce urgency of now, and time rushes on. Quite frankly, whether or not this continuing resolution is for 2 or 3 days, or whether there is another continuing resolution for 1 week or whatever has absolutely nothing to do with the essential fact that there are men, women, and children in the Northeast, Midwest, and cold weather States who are going cold right now. More short-term fixes won't cut it anymore. There are long waiting lists throughout the country, and when people in this program don't get served, they don't heat their homes. In the State of New York, for example, I have heard that people are being told to come back in March to apply for energy assistance. Come back in March, when it's freezing there now. In my State of Minnesota—and I am sure it is the case in my colleague's State of Wisconsin—this weekend temperatures are right around zero.

We have to allocate this money now, and the problem is that for all of our States we are faced with the situation of needing the money desperately, right now. Let there be no mistake. This is not really a 1-year program, it is basically a 6-month heating program. We need to get funding to people for energy assistance now. By this time in Minnesota last year, as opposed to $9 million, we had about $25 million out in our State. Right now, Mr. President,

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

Printed on recycled paper.

there are 31,000 applications now pending; 16,000 cannot be served; close to 4,000 people in crisis, many in a no-heat situation. In Minnesota, many have been turned away.

This is outrageous. It is unconscionable. So what we have to do is make sure that in this continuing resolution—Friday, Monday, starting with the one Friday by midnight—we have a formula that accelerates the delivery of funding to our States, to the cold weather States so people do not freeze to death. We cannot go forward on this ad hoc basis—a little bit here and a little bit there but not enough to serve long waiting lists of people. Our country can do better.

In the State of Minnesota last year, 110,000 households, about 330,000 people, were served by this program. Grants were about $380 or thereabouts. The heating bills for people were far more than that during the winter but in many cases this at least enabled people to get by.

Many of the people who benefit are elderly people who live on Social Security benefits. Many of them are families with children. Many of them are families struggling with disabilities. Many of them are minimum wage workers.

It is unbelievable; in the House of Representatives this program was eliminated outright, cut by over $1.3 billion. The total cost of the energy assistance program for the whole country is less than one B–2 bomber. This reflects seriously distorted priorities. These are not the priorities of the vast majority of people in this country.

There are editorials in newspapers all across the country which essentially are saying what the vast majority of people are saying. What we are doing right now in Washington, DC, is too harsh and it is too extreme; it is too punitive. It must not be allowed to continue.

Let me give a couple of examples of folks in my state who have been affected by these immediate, huge cuts. Clara Mager is a 73-year-old resident of an Iron Range town. I mentioned her problem briefly the other day. She receives about $675 a month in Social Security. She lives alone, and she raised 6 children on her own. She just received a grant of approximately $220. She owed her fuel provider, Intercity Oil, $177, and on Monday she had only 60 gallons left in her fuel tank. She does not know how she is going to make it through the winter, and she does not know whether she can stay in her house.

Nancy Watson is 55 years old, from Clear Lake, MN, and disabled. Her income on SSI and MSA is $529 a month. She received a grant of only about $80 this year, and she does not know what she is going to do. It is far less than in the past because we are not getting the allocations of funds out there in the communities.

In Blue Earth County—we are getting calls from all over the State—a self-sufficient 90-year-old woman lives alone; her monthly income is $204. Right now she has closed off almost all of her home, I say to my colleague from Wisconsin; she is living in one room. She is heating one room. She has not been able to get the energy assistance she needs this year. She does not know where she is going to go, and she thinks she is going to basically have to leave her home and go into a nursing home.

Mr. President, there are people in my State, and in Wisconsin, and in many other States across this land right now, who either have no heat—can you imagine that in the United States of America? There are those who are living or heating one room, or who have turned the thermostat down to 50 degrees, or who are using their oven to try and heat their home, whose furnaces have not been repaired but should be, but there was no funding for that, who are running with dangerous, badly maintained kerosene stoves, running a fire hazard, with the risk of carbon monoxide poisoning. This is the United States of America?

And so, Mr. President, let me just be clear about this to my colleagues, Democrats and Republicans alike: The Low-Income Energy Assistance Program requires a minimum amount of resources, but it goes to the core of what we are about. This is a cold-weather lifeline program. This is not an income supplement. This is a survival supplement.

Family values, Mr. President, are about extending a helping hand. Family values are about giving people hope. Family values are about compassion. Family values are about all of us here understanding the implications and consequences of what we do.

My God, we have statistics and alphabet soup, OMB, CBO, baseline budgets and all the rest. Too often, it is a bloodless debate. I am talking about people who are desperate, right now, today, in the State of Minnesota, who are having to go without heat, or being forced to scrounge funds from friends, relatives, charities to buy fuel.

What is it going to take—someone freezing to death?—for us to take action? Then it will be too late. Time rushes on. Time is not neutral. People are going cold in America. We can do better.

And I say to the administration, if there is no agreement come midnight Friday, since this was last year's funding, they should put out this money now. The money is there, waiting to be released, but it's constrained by law until midnight tomorrow. After that, the administration should release the $1 billion—it is already there—and get the funding out to the States and out to the communities so people do not go cold and so people do not freeze to death.

I did not come here to the U.S. Senate from the State of Minnesota to be silent, especially not in the face of this kind of cruelty and unthinking slashing of the budget. I believe there is goodness in people. I believe there is goodness in people and it extends way beyond party. And I believe this is a moral issue. I honest to God believe this is a moral issue.

I think the problem is that we have gotten so caught up in the statistics that we just do not understand what the implications are, what this translates into in personal terms and human terms.

Mr. President, let me just simply say that as I understand this chart, just looking at the LIHEAP allocation by December of 1994, at least $800 million had been allocated out to communities. By the end of the second quarter, that number had shot to well over a billion dollars. That is last year. It is now December 15, 1995, and $231 million all together been allocated under the continuing resolution. That says it all.

Last year by this time about $800 million had gone out to our communities to make sure that men, women and children do not go cold in America, do not freeze to death in America. By the way, don't anybody believe that this is scare tactics. Talk to any of the people who are out there trying to serve—Salvation Army, churches, foundations—that are trying to serve people right now, and they will tell you the same thing. By December 15, 1995, only $231 million. That will make for a cold Hanukkah and a cold Christmas for many Americans who depend on LIHEAP funds.

One would think we could do better in this next continuing resolution. We have to accelerate the funding right now, and if we do not do that in a continuing resolution and there is no agreement, the administration needs to release the money right now. I yield to my colleague from Wisconsin.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KOHL. I thank my colleague from Minnesota.

We are from the same geographical part of the United States so we have the same problem, and my outlook on this problem that we are facing is very similar to Senator WELLSTONE's.

We have 130,000 low-income families in Wisconsin who desperately depend on this energy assistance. They are, all of them, families who live at or beneath the poverty level, and they are understandably and without question in need of this assistance.

For whatever reason, the face of Government this week is on display to our country. We are going to demonstrate whether or not we understand here in Washington what it is to be poor and to be living in bitter cold and whether or not we are prepared to respond to that desperate need that these low-income families have for energy assistance to heat themselves and their families on their meager resources.

For reasons that are not understandable, we here in Washington have decided to fund this energy assistance, not when it is needed as we have been

doing heretofore in the program, which is to say, get the money out during the winter months, but we have decided not only to cut LIHEAP but also to fund it in 12 equal annual installments.

Anybody listening to this debate this morning knows that that does not make any sense. The money needs to be gotten out during the winter months, this month and next month, and sending out that money to these low-income families in June and July and August does not make any sense when they need the money in December and January and February.

If we are not able to respond to that need, as Senator WELLSTONE has said, now, this week, by tomorrow, we will have demonstrated that we do not have the compassion to understand what is going on in our country and what the purpose of Government is, if it is not to help those who are in genuine desperate need.

So we have a crisis, and we have an ability to respond to that crisis. We are talking about, as Senator WELLSTONE has said, a total amount of money of less than $1 billion, which is a cut from what it had been last year.

LIHEAP last year was funded at $1.3 billion. We decided to cut it to $1 billion. As Senator WELLSTONE pointed out, the House wants to zero out the program entirely. That debate between the House and the Senate has not yet been resolved. But, in the meantime, we have a continuing resolution which does fund LIHEAP at a billion dollars, and we have to see to it that that money gets out to those people in desperate need of now. The next day or two will demonstrate what the face of our Government is and what it is we are interested in depicting to the people of the United States, whom we represent.

So I urge my colleagues, along with Senator WELLSTONE and many others—53 Senators have signed a letter urging the negotiators to act quickly, with dispatch and without delay, on this urgent need. I urge my colleagues to see to it that our negotiators here in Congress, and in the administration, act in a way which is sensible and compassionate for those in our country who need our help so urgently at this specific time.

Mr. WELLSTONE. Mr. President, I thank my colleague from Wisconsin. Again, really, I think this is the beginning of the discussion today. There will be time—and I believe a number of us will be back on the floor throughout the day. We are going to keep pushing on this.

Senator KOHL mentioned this letter, dated December 8 and signed by 54 Senators, to Chairman HATFIELD, who I really want to say right now has been very committed to trying to do something about this. He has been great in the U.S. Senate, and we are going to dearly miss him. I know he feels as if his hands are tied at the moment. He is very committed to do something about the acceleration of getting the funding out to communities. But 54 Senators have signed this letter, simply saying, look, we have to get the funds out. Temperatures have dropped below freezing, there is snow on the ground, and we simply are not able to get the money out.

There is a real sense of urgency here. So there is a tremendous amount of support for this on the Senate side. I have been in contact with many offices. I know Senator LEAHY, Senator KERRY and others are very, very committed to this and are very anxious for us to get this resolved. Senator SPECTER from Pennsylvania, as well. I mean, Democrats and Republicans alike want to get this done. This has become a moral issue. I do not believe that is an exaggeration.

Are we going to dilly-dally around here and play games and talk about all these statistics, and yet not come together to make some change in a formula to make sure that we get some urgently needed funds out into communities so people do not freeze to death in the United States?

Mr. President, when we went through the rescissions package, I held that package up for a short period. Part of the reason I did that was, there was a deal late at night, and all of a sudden over $300 million, or thereabouts, was cut from the energy assistance program. I remember saying in the debate then that if this is a glimpse of what is to come, I do not want to have anything to do with it. This is too harsh, too extreme, it is too radical. This is beyond the goodness of people in America. And when we were faced with our first continuing resolution, at one point in time there was some suggested language that said that until the Labor, Health and Human Services appropriations bill is passed, there can be no allocation of energy assistance money. What is going on here? What is going on? This is so harsh and so extreme. While we beat that effort back, the problem is even more urgent now.

Mr. President, this article says, ''Buffalo Prays for a Warm Winter.'' We can do better than that, can we not? Are we not policymakers? Is that what people are supposed to be reduced to, praying for warm weather? Do we need to just pray for a warm winter? It is not a warm winter in Minnesota. We need to take action.

Another article focusing on LIHEAP funding problems says, ''A Heap of Trouble in New York.'' A Lexington, KY, paper has a headline here that says ''Staying Warm.'' The list goes on. Beaver, PA, ''Bankruptcy, Heating Program for the Poor Hit.'' In the Maine Sentinel, ''Heating Program Cut; Out in the Cold.'' ''Timing Wrong for Eliminating Weather Aid,'' Albany. The list goes on and on, Mr. President. ''Cold Comfort,'' Boston Globe. Des Moines Register, ''A Shameful Place to Cut. A rich nation can help its poor stay warm in the winter.'' The Des Moines Register editorial says LIHEAP is a shameful place to cut. A rich nation can help its poor stay warm in the winter. Is that not true any longer?

Mr. President, this is a shameful place to cut. Our Nation can do better, and, in my State of Minnesota, there are citizens who are going without heat, and one is one too many. There are people who are cold, and one family is one too many. There are families who depend on this energy assistance, so they do not get cold and so they will have enough resources to be able to purchase prescription drugs if that is what they need, or food. The total cost of this program was less than the cost of one B–2 bomber. The Des Moines Register is right, a rich nation can help its poor stay warm in the winter.

Mr. President, in this situation, time rushes on; time is not neutral. We are confronted with the fierce urgency of now. I assume there is goodwill on the part of all of my colleagues, and I assume I will receive a tremendous amount of support. Fifty-four Senators already have gone on record as saying we have to act now.

Mr. President, I believe that for the next 2 days this must be a priority for the U.S. Congress, and for the next week it must be a priority to make sure that people in the United States of America—men, women and children—do not go cold. We must make sure that we do not have people freezing to death in the United States of America. The issue could not be clearer.

I yield the floor.

The PRESIDING OFFICER (Mr. THOMAS). Who seeks recognition?

MEASURE PLACED ON THE CALENDAR—S. 1472

Mr. WELLSTONE. I understand there is a bill on the calendar due for a second reading.

The PRESIDING OFFICER. The Senator is correct.

The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1472) to provide for one additional Federal judge for the Middle District of Louisiana and one less district judge for the Eastern District of Louisiana.

Mr. WELLSTONE. Mr. President, I object to further consideration of this matter at this time.

The PRESIDING OFFICER. The bill will be placed on the calendar.

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

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

BOSNIA

Mr. INHOFE. Mr. President, several of us last night were opposed to the President's program to mass deploy

troops into Bosnia. I remember several talks that many of us who had been over there had that contradicted what the administration says was total peace and a calm environment, with no hostilities since the cease-fire went off. I can remember being before the Senate Armed Services Committee reminding General Shalikashvili and Secretary Perry that, in fact, the firing had not stopped, and the bombs were still going off and then only to find out they had never been up there.

Those of us who are opposed to sending the troops over now will give full support to the troops, full support to the effort, hopefully, something in the way that would cause this to be over there and the troops would come home.

I read this morning—regretfully some news accounts, one of them from the Associated Press—after the treaty was signed and while world leaders are still making speeches in Paris, evening explosions and several heavy machine gun bursts echoed around the front lines of a Sarajevo neighborhood. Bosnian police officials say one shell impacted the roof of a building close by while two rifle grenades were fired toward Bosnian Government positions in the area. Machine gun burst pocketed a southern wall of the Holiday Inn hotel. I know the Presiding Officer was over there, as I was. This is the hotel that used to be the Embassy for the United States. It now just has a few windows left and they are still using it as a hotel. They probably will not be now. It sounds as if things are still happening over there, and hopefully with all of our help and support to the troops that we can accomplish the mission that our troops are over there for.

I personally plan to spend some time over there. I have gotten to know several of the troops that have come from my State of Oklahoma who will be stationed over there. I am hoping I will be able to have a better answer for them than I had before when they asked the question: What is the mission? So we will give our full support to the troops over there and to the mission as the President has described and hopefully it will be over very soon and our troops will come home.

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. LEAHY. 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. LEAHY. Mr. President, I ask unanimous consent that I may proceed in morning business for 10 minutes.

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

THE ROLE OF THE JUSTICE DEPARTMENT IN BELL COMPANY ENTRY INTO LONG DISTANCE SERVICE AND ON INTERNET DAY OF PROTEST

Mr. LEAHY. Mr. President, among many critical issues currently facing Congress, one of the most far-reaching is the Telecommunications Competition and Deregulation Act, which is now the subject of a conference with the House of Representatives. In June of this year, during debate on the telecommunications bill, I spoke on the floor about the importance of giving the Justice Department primary responsibility to determine when the Bell operating companies should be permitted to enter into long distance markets.

I also supported an amendment by Senator THURMOND, the distinguished chairman of the Senate Judiciary Subcommittee on Antitrust, Senator DORGAN, and others, that would have ensured a strong role for the Justice Department as the Bell companies expand their business into long distance, as we all hope they will. That amendment received the votes of 43 Senators.

Today, I remain convinced that the Antitrust Division of the Department of Justice should have a meaningful role in telecommunications in the area of their expertise. As the ranking Democrat on the Judiciary Committee's Antitrust, Business Rights, and Competition Subcommittee, I would like briefly to note three basic points on this issue:

First, we all say that we support competition replacing regulation, but the question is how best to make the transition. I firmly believe that we must rely on the bipartisan principles of antitrust law in order to move as quickly as possible toward competition in all segments of the telecommunications industry, and away from regulation. Relying on antitrust principles is vital to ensure that the free market will work to spur competition and reduce government involvement in the industry.

Second, the Bell companies certainly should be allowed to enter long-distance markets under appropriate circumstances, for it is generally desirable to have as many competitors as possible in each market. The issue is how to determine the point at which entry by Bell companies will help rather than harm competition. That question, quite simply, is an antitrust matter which needs the antitrust expertise and specialization of the Antitrust Division of the Justice Department.

Third, as one long interested in competition and the antitrust laws, I do not believe it is possible for checklists fully to take the place of flexible antitrust analysis in any industry or market. If antitrust principles are ignored, competition is likely to suffer and market power may become concentrated in a few companies. This will lead to harm to consumers through higher prices, less innovation, and the weakening of our country's leadership in telecommunications.

Last May, the Antitrust Subcommittee held a hearing on the antitrust issues implicated in the Senate telecommunications bill, S. 652. This hearing confirmed the importance of competition to achieve lower prices, better services and products, and more innovation for the benefit of consumers and our Nation. If we believe in the antitrust laws—which have protected free enterprise for over 100 years—then we should ensure that the Antitrust Division of the Justice Department plays a meaningful role in telecommunications.

I understand that members of the telecommunications bill conference have not yet resolved the issue of what role, if any, the Justice Department will have in allowing Bell company entry into long-distance. I urge the conferees to make sure the bill gives the Justice Department a meaningful role, and does not merely suggest to the FCC that it consult with the antitrust experts.

I also take this occasion to urge the conferees to reconsider the manner in which they have chosen to regulate constitutionally protected speech on the Internet and other computer networks. Since I spoke last week on this issue, the House conferees have agreed, as I feared that they might, to a provision that would effectively ban from the Internet constitutionally protected speech deemed by some prosecutor in some jurisdiction in this country to be indecent. This ban will reach far beyond obscenity, mind you, to some vague standard of what is proper and decent to speak about both in terms of content and manner of expression. They are heading in the wrong direction. We should affirm freedom and privacy, not Government intervention, when it comes to personal communications.

Supporters of these restrictions contend that regulating speech on the Internet is necessary because self-appointed spokesmen for decency say that parents should be concerned about what their children might access on the Internet. But many people, including many parents, young families and members of the generations that include our children and grandchildren, are also very concerned. They ought to be concerned about letting the Government step in to censor what they can say online, and to tell them what they might or might not see.

The Congress is venturing where it need not and should not go. We should not be seeking to control communications among adults, whether old fogeys like ourselves or the vibrant young people who make up the vast bulk of the communities in cyberspace. We should not be acting to reduce all discourse over the Internet to third-grade readers.

There are alternatives to overreaching Government regulation. Instead of passing a new law—a new law that tells

us what we can say, or think—we should use the laws that are on the books to protect children, and assume that maybe somewhere, somehow, someplace parents ought to take responsibility instead of us always automatically passing a law to say what parents should or should not do.

Let me tell you what happens. When you start having all of this sudden censorship, well-meaning though it might be, it reaches too far.

We have left technological advancements, software barriers, access codes, increased enforcement of laws already on the books, and vigilant parenting unexplored as alternatives to overreaching Government regulation.

After a majority of my Senate colleagues rejected my position in June and incorporated a so-called Communications Decency Act in the telecommunications bill without hearings, without examination and without much thought, I still held out hope that they would proceed to learn something about the Internet, how it works, and its potential benefits for those who will be using it in the coming century. I was encouraged when the Speaker of the House agreed with me and remarked that the Senate's action was ''clearly a violation of free speech'' and ''very badly thought out.'' I, again, urge him to rejoin in the debate before it is too late.

We have already seen the chilling effect that even the prospect of this legislation has had on online service providers. Last week, America Online deleted the profile of a Vermonter who communicated with fellow breast cancer survivors online. Why?

They found in checking that this Vermonter had used the word ''breast.'' Nobody bothered to ask why. She is a survivor of breast cancer. She was using the Internet to have correspondence with other survivors of breast cancer to talk about concerns they might have—medical advances—a basic support group. But the censors looked in and so, because the word ''breast'' had been used, she was being stopped.

This is what we are opening ourselves up to. We should use the current laws already on the books, and we should ask parents to be a little more vigilant. Will some things get on the Internet that you, I, and other Members of the Senate might find objectionable? Of course, it will. But this objectionable material would be a tiny fraction of the vast materials available on the Internet. What we should protect is one of the greatest experiments we have seen in our age of the Internet where you have everything from the things you find most valuable to things you might find boring or repulsive.

We do not close down our telephone companies because somebody picks up the phone and calls somebody else and tells them a dirty joke, or reams them out in four-letter words. The behavior between the two may be reprehensible, and maybe they should discuss their personal relationship, but we do not close down the telephone company because that might happen.

Last June, I brought to the floor petitions from over 25,000 people who supported my proposal to study technological, voluntary and other ways to restrict access to objectionable online messages, before we lay the heavy hand of Government censorship onto the Internet.

This week, a number of organizations, including the Center for Democracy and Technology and Voters Telecommunications Watch, sponsored a National Internet Day of Protest over the telecommunications bill conference's proposal to censor the Internet. In just one day—Tuesday—over 18,000 people contacted the offices of conferees. This country will never accept the new temperance demagoguery that is leading us down the road to Government censorship of computer communications.

We have software parents can easily use to pull up on the computer and find out where their children have been going—what discussion, and what chat lines they have been on. If they find things in there they do not want, maybe the parents ought to take the responsibility to speak to their children. If you have books or magazines that you do not want your children to read, then maybe parents might just say, do not read it.

Somewhere there ought to be some responsibility left for mothers and fathers in raising their children, and not have this idea that we have to turn everything over to the heavy hand of Government.

In my years here I have seen rare instances where Senators and House Members in both parties have rushed pell-mell into having the Government step in to take over for parents. At a time when we hear that we have a new thrust in the Congress where we want to get Government off your backs, we want to get Government out of your life, we want to turn things back to people, we have a massive effort underway in the telecommunications conference to say we are going to tell you what to think; we are going to tell you what to do, when you go online.

Do you know why? I am willing to bet that three-quarters of the Congress do not have the foggiest idea how to get on Internet; do not have the foggiest idea how to use the Internet; have never corresponded back and forth on the Internet. They can say: ''We do not use it. It does not involve us. So let us screw it up for everybody else who might use it.'' But, ''everybody else'' are millions and millions of Americans.

I urge the full telecommunications bill conference to consider the threat its proposals to regulate online speech poses to the future growth of the Internet.

The interests of the young children are not in the stifling of speech or Government overreaching. They will be served by the growth of the Internet, the development of the World Wide Web and the creative, economic, and social opportunities that they can provide. And for those who want to abuse it, those who want to be involved in child pornography, we have laws on the books. We can go after those people. We can prosecute them. But let us not close down 99.9 percent of the Internet because of a few child pornographers. Go after them, but protect the Internet for the rest of the people.

Maybe those who are on the Internet ought to ask their Members of the House or the Senate, Do they use it? Do they understand it? Do they understand the computer? I do not want to ask them if they know how to do really technical things, like programming a VCR. Ask them if they can turn on the Internet? Can they actually talk with each other? And if they cannot, maybe Internet users ought to tell their Members, ''Then leave us alone. Leave us alone.''

LIHEAP

Mr. LEAHY. Mr. President, the distinguished Presiding Officer and I both come from States where we know what winter weather is. I daresay the distinguished Presiding Officer has probably heard a weather report in his State—one of the most beautiful in this country—probably heard a weather report similar to one I heard in Vermont last weekend. In the news they said, ''By the way, we expect a dusting of snow tonight, accumulations of no more than 3 to 4 inches.'' And nobody thinks anything of it. If we have 10 inches of snow overnight, schools still open, people still go to work.

I contrast that with the situation we face in the Washington area. How many times have we turned on the TV in the morning and see we have remote locations and you have all the people out there bundled up, and the poor camera person has the bright lights on, trying to find one snowflake coming down. They say, ''Oh, and the latest report is the snow appears to be gathering and we switch now to the head meteorologist,'' who, in a state of panic, is saying, ''And we may get accumulations of up to an inch.'' An inch? My 86-year-old mother goes out with a broom and sweeps anything up to 2 or 3 inches off the walk. Schools will open, but here, if they open at all, it is 5 hours late. ''Two inches were spotted somewhere in the continental United States and it might be moving this way.''

Last night I drove home around midnight and I saw cars spinning off the road for two reasons. One, they did not know how to drive; and second, notwithstanding the fact that everybody knew an ice storm was coming, apparently nobody thought to send out the sand trucks and sand the road. This morning, at about 5:45 or so, when I drove with my wife to work—she was going to the hospital, she is on the morning shift—again, we saw cars spinning out all over the place. They come roaring down to an intersection, slamming on the brakes—of course they had

not bothered to sand the intersections—and looked amazed and surprised that the law of physics applied. You have a heavy object, you have no traction: It does not stop. It has some aspect to do with the law of friction and physics, something I suggest maybe we may want to teach.

We get into a situation around this area that the only effective snow or ice removal is a couple of days of warm weather. I once thought the reason we keep everything going in the little State of Vermont is we must have a lot more equipment and a lot more people. Apparently that is not so. Actually they have more down here. I think they are saving it, though. They do not want to use up this equipment. Maybe they are thinking someday another Ice Age will come and we will need it then.

But in Vermont we do have cold weather. I remember a year or so ago they closed down the Government here because it was about 25 degrees.

I was in Montpelier, VT, in the State capital that day and it was 15 degrees below zero. I walked from my office to the capitol. Every place was open, everybody went to work. I constantly got stopped by people on the streets who said, ''We heard on the news they closed down Government offices and everything in Washington because it is 25 degrees. They really mean 25 below, don't they?''

I said, ''No, 25 degrees. That is 40 degrees warmer than it is here where we are all going to work.''

But we do have that 25- to 30-degree below zero weather. I mention that, to be serious, because we need money in LIHEAP. In Vermont we have about 25,000 families eligible for LIHEAP, aid for those who need heating assistance. I think last year our families received slightly less than $400 a home. But because of the budget, in Vermont they can be promised only about $50 this year.

Mr. President, 70 percent of those recipients earn $8,000 a year or less, 30 percent of them are AFDC homes with children. Mr. President, 32 percent of them are working Vermonters who need help; 41 percent of the recipients are elderly or disabled. People are going to be dying from the cold. It does get cold back in my State. We have had many below-zero days already. We will have days where it will go down to 20 or 30 below zero.

Congress is no closer to passing a Labor-HHS bill with LIHEAP funding than they were back in September. If Congress feels that block grants are such a good idea for school lunches and Medicaid, at least show they are consistent and keep the LIHEAP block grant going. Food shelves are getting empty. Frost is on the windows day and night. People are down to the question of heating versus eating. If you are elderly or disabled, that is one heck of a question to have to ask.

We need to pass a LIHEAP budget. It is a gaping new hole in the welfare net and it is hurting Americans, especially those who live in the frost belt. I hope we will pass it.

Mr. President, I thank the Chair for its forbearance and I will be happy to join with the distinguished Presiding Officer in offering snowtime driving lessons to any of our colleagues who may wish them—certainly to the media who report on four or five snowflakes as though it was the coming of a new Ice Age.

LIHEAP

Mr. JEFFORDS. Mr. President, as my colleagues know, it is cold outside. This morning in my home State of Vermont it was minus one degree in Burlington, minus 9 degrees in our capital city of Montpelier and in the Northeast Kingdom, there were 18 inches of snow on the ground. This weekend the temperature fell below zero in Minnesota. It was 20 degrees in Delaware and it has even dropped to below freezing in Atlanta, GA.

With these cold temperatures, and the subfreezing days that are sure to follow, one has to wonder how nearly 6 million low-income American families are going to make it through the winter. In past years, the Low-Income Home Energy Assistance Program [LIHEAP] has provided aid to these families.

LIHEAP is a block grant provided to the States that help low-income Americans with an average income of $8,000 heat their homes. This year however, states have not received sufficient funds to meet the needs of their low-income citizens.

Since we have yet to pass a fiscal year 1996 appropriations bill for the Departments of Labor, Health and Human Resources, and Education, LIHEAP has been funded by the two continuing resolutions [CR's] that we have passed and the President has signed. These two CR's funded LIHEAP at 90 and 75 percent of last year's level respectively, but, and this is the key, the CR's limited LIHEAP spending to the proportional daily rate of the duration of the CR.

This cap on the spend-out rate means that States have received only 75 days' worth of funds. In past years States received 60 percent of their allotments in the first quarter. This year, they have received only slightly greater than 20 percent. The vast majority of LIHEAP funds are used for heating assistance. Requiring that LIHEAP funds be spent out evenly throughout the year makes no sense. While it may leave LIHEAP funds available in June, many low-income families would not be able to heat their homes this winter.

Last year at this time, the Department of Health and Human Services had dispersed around $800 million to the States. So far this year, States have received only $230 million. As Senator KENNEDY pointed out yesterday, LIHEAP funds were to be reduced by 10 or 25 percent, not 70 percent.

What has this meant in Vermont? Instead of the $4.5 million we had received last year by this time, Vermont has received only $1.3 million. This is not enough to meet the needs of the 25,000 low-income Vermonters who rely on LIHEAP to avoid freezing in the winter. Gov. Howard Dean has had to delay the start of this year's program until December, and I can assure my colleagues that it can get quite cold in Vermont in October and November.

I think it is fairly clear that we are not going to be able to pass all the remaining appropriations bills by the end of this week, so we are going to have to take up another CR. It is critical that this CR not include the spend-out limitation on LIHEAP. Last week Senator KENNEDY and I sent a letter to Appropriations Committee, MARK HATFIELD, asking him to address this problem.

Fifty-two other Senators, Republicans and Democrats joined us in signing this letter, and although the Northeast/Midwest Senate Coalition, which I cochair, coordinated the effort, Senators from all over the Nation cosigned. I ask unanimous consent that a copy of this letter along with the 54 Senators who cosigned the letter be printed in the RECORD following my remarks.

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

(See exhibit 1.)

Mr. JEFFORDS. Although most Senators who signed the letter would like to see LIHEAP increased, the letter does not ask for additional LIHEAP funding. It simply asks that States be allowed to spend the LIHEAP funds that have been appropriated under the two CR's this winter when the funds are needed. There are similar efforts being undertaken in the House. In addition to Senator KENNEDY, I want to thank Senators ABRAHAM, COHEN, SNOWE, MOYNIHAN, KOHL, LEAHY, and WELLSTONE for their assistance in gathering support for this letter. I also want to thank Senator SPECTER for his continued support of LIHEAP. I think we have made it very clear that this spend-out restriction cannot be included in the next CR.

Mr. President, LIHEAP is a lifeline for many seniors and families with small children, and cutting LIHEAP will drastically increase the energy burden of many American families. Some Members of the House have argued that LIHEAP is no longer needed, but for many low-income Americans, the energy crisis is not over. In some areas of the country, energy prices are still increasing; in Vermont over the last 3 years, prices have gone up 21 percent. Since 1980 however, real LIHEAP funding has gone down 65 percent.

In fact, no other discretionary formula grant program has seen its funding reduced as much as LIHEAP. The Congressional Research Service [CRS] performed a study of energy prices and LIHEAP funding. CRS concluded that, even taking changes in real energy prices into account, LIHEAP would have to be funded at between $1.75 and $2.39 billion to provide the same level of benefits as it did in 1980.

Last year, over 25,000 low-income Vermonters received a total of $7.5 million in assistance. The average amount was $75 a month for the 5 winter months. The average AFDC recipient only has $43 a month left over after paying the energy bill. Without LIHEAP assistance, many recipients will not be able to afford to pay their heating bills this winter, and many would be forced to choose between heat and food.

As I stated earlier, LIHEAP is a block grant. Each State decides for itself how to structure its program and how to get the resources to those that need it. It is also a program that has no history at all of any fraud or abuse. Without LIHEAP energy providers, many of whom are small, unregulated businesses, may have to choose between not getting paid for the energy they provide and cutting off their neediest customers.

Mr. President, winter is upon us. People are freezing. We must free up LIHEAP funds so that low-income Americans will be able to heat their homes this winter. We must remove the spend out rate limitation.

EXHIBIT 1

U.S. SENATE,
Washington, D.C, December 5, 1995.

Hon. MARK HATFIELD,
Appropriations Committee, The Capitol, Washington, DC.

DEAR CHAIRMAN HATFIELD: We would like to call your attention to a serious problem with the interim funding for the Low Income Home Energy Assistance Program (LIHEAP). We believe that if we are to continue funding programs under the FY96 Labor/HHS Appropriations bill through a Continuing Resolution (CR), states must be allowed to draw down LIHEAP funds at a higher rate which takes into account their historical spending practices and which is sufficient to ensure the program's viability. Temperatures have dropped below freezing and there is snow on the ground in many parts of the country, but the language in both CRs that limits state draw downs to a proportional annual rate does not provide states sufficient funds to operate programs and meet the heating needs of their low income families.

In past years, states have drawn down a majority of their LIHEAP funds during the fall. This allows states to purchase fuel at lower rates, maintain continuity of service, avoid shut offs, and plan for the upcoming winter. Furthermore, nearly 90 percent of LIHEAP funds are used for heating assistance during the coldest months. The CR language requires that LIHEAP funds be spent out over a twelve month period. While this may leave funds for heating assistance in June, many low income families may not be able to heat their homes this winter.

We believe it is critical to safeguard this program which protects the elderly, the disabled, the working poor, and children. When it gets cold, these vulnerable Americans should not be forced to choose between heating and eating. Continuing delays in funding and limits on the payout rate will hamper states' ability to help the 5.6 million LIHEAP households survive the winter. We ask your assistance in ensuring that the bulk of LIHEAP funds can be spent during the cold weather months at a rate sufficient to meet the needs of low income families this winter. Thank you.

Sincerely,
Jim Jeffords, Ted Kennedy, Herb Kohl, Bill Cohen, Paul D. Wellstone, Daniel P. Moynihan, Patrick Leahy, Olympia Snowe, Carl Levin, Christopher J. Dodd, John F. Kerry, Larry Pressler, Wendell Ford, Rick Santorum, Claiborne Pell, Alfonse D'Amato, Spencer Abraham, Carol Moseley-Braun, Byron L. Dorgan, John H. CHAFEE, Paul Simon, Dick Lugar, J. Lieberman, Frank R. Lautenberg, Tom Daschle, Bob Kerrey, Tom Harkin, John Glenn, Jeff Bingaman, Max Baucus, Bob Smith, Paul Sarbanes, Dale Bumpers, Jay Rockefeller, Jim Exon, Howell Heflin, Russ Feingold, Daniel K. Akaka, Harry Reid, Dan Coats, Richard H. Bryan, David Pryor, Joe Biden, Patty Murray, Mitch McConnell, Ben Nighthorse Campbell, Judd Gregg, Mike DeWine, Bill Bradley, Barbara A. Mikulski, Kent Conrad, Chuck Robb, D.K. Inouye, Chuck Grassley.

STRADDLING STOCKS AGREEMENT

Mr. PELL. Mr. President, on December 4, 1995, Madeleine Albright, our Ambassador to the United Nations, signed on behalf of the United States the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 Relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks. As the Ambassador said in her speech at the time, this Agreement offers a tremendous advancement in our global efforts to better conserve and manage living marine resources. I ask unanimous consent that Ambassador Albright's speech be printed in the RECORD at the conclusion of my remarks. This Agreement was the result of 3 long years of negotiations and will best serve the interests of the United States by putting an end to the lawlessness of high seas fisheries.

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

(See exhibit 1.)

Mr. PELL. Mr. President, the United States has long held the view that fishing activities should be carried out in a sustainable fashion, and with due regard to appropriate conservation and management measures. The Straddling Stocks Agreement ensures that the precautionary measures we have already adopted will be respected and implemented by our international partners. The United States has clearly led the way in this respect and it was of the utmost importance to ensure that our efforts would not be undermined by the destructive practices of other States.

This Agreement is only the latest step in our ongoing efforts to establish a mosaic of international legal agreements that will set up a strong regime for the management of our marine living resources. Foremost among these is the Convention on the Law of the Sea, transmitted to the Senate on October 6, 1994 (Treaty Document 103–39). More than a year later, this historic treaty is still pending before the Committee on Foreign Relations. I am hopeful that the Committee will be able to consider this Convention early next year. The principles embodied in the Straddling Stocks Agreement are not only consistent with the Law of the Sea, but it is to be applied concurrently with that Convention.

Mr. President, in the past year, I have repeatedly addressed the Senate to highlight the ways in which the Law of the Sea Convention has been improved, and now meets our fisheries interests, our national security interests, and our economic interests. This hard-fought treaty was the result of more than 20 years of negotiations, in which both Democratic and Republican Administrations participated actively. As a result, all the concerns that the United States had expressed when the Convention was first open for signature in 1982 have now been addressed. An agreement modifying the deep sea-bed mining provisions of the Convention was concluded and signed by the United States in 1994. Similarly, the Straddling Stocks Agreement addresses some of the high seas fishing issues that had been left open by the Convention.

I expect the administration will forward the Straddling Stocks Agreement to the Senate early next year. In order to optimize the effects of the Straddling Stocks Agreement, it is urgent that the United States also become a party to the Law of the Sea Convention. The Straddling Stocks Agreement specifies that the settlement of disputes will be carried out by the Law of the Sea Tribunal, which will be established in Hamburg shortly. Fortunately, the judges on this Tribunal have not been designated yet, but the United States must be a party to the Convention if an American judge is to be designated.

This is but one of the many reasons why the United States should ratify and become a party to the Law of the Sea Convention. We now have another incentive to take urgent action on this issue and I trust that all my colleagues who have shown such an interest in the Straddling Stocks Agreement will join me in my efforts to see the Straddling Stocks Agreement and the Law of the Sea Convention ratified promptly.

EXHIBIT 1

STATEMENT OF AMBASSADOR MADELEINE K. ALBRIGHT

Mr. Chairman, distinguished ministers, fellow ambassadors and delegates, and ladies and gentlemen.

This is a memorable occasion for all members of the international community who have labored to conserve fishery resources and strengthen the law of the sea. On this historic day, the United States, joined by other members of the international community, will sign the Agreement, adopted by consensus by the UN Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks. This Conference concluded its work after three years of intense negotiations and outstanding international cooperation. The United States is pleased to have participated in this effort. We are convinced that this Agreement offers a tremendous advancement in our global efforts to better conserve and manage living marine resources.

As both a coastal State and a State whose vessels fish on the high seas, we are keenly aware of the need for a balanced approach in the Agreement, one that recognizes the legitimate concerns of both groups. The United States believes that the Agreement strikes a reasonable balance between conservation and fishing concerns, and between the interests of coastal States and States whose vessels fish on the high seas. We support the Agreement because it establishes new and effective rules to conserve and manage marine fisheries and provides for States to resolve their disputes through compulsory binding dispute settlement procedures. The Agreement, if widely ratified and properly implemented, will both improve the health of our ocean ecosystems and ensure a lasting supply of fish to feed the world's population.

The United States wishes to acknowledge the skill, leadership and energy of Ambassador Satya Nandan for crafting the Agreement. We are truly indebted to you.

This Agreement is particularly noteworthy because it directly contributes to a broader global effort to promote international cooperation, reduce conflict and achieve more effectively the sustainable use of living marine resources. The Agreement is consistent with and builds upon the United Nations Convention on the Law of the Sea which entered into force last year. It complements the 1993 Agreement to Promote Compliance With International Conservation and Management Measures by Fishing Vessels on the High Seas, which itself is an integral component of the International Code of Conduct for Responsible Fisheries which was adopted last month in Rome. Together, these instruments provide a strong basis to move forward in achieving sustainable use of living marine resources in the world's oceans and seas.

Looking to the future, we see many exciting challenges before us. Our first task is to bring this Agreement into force as soon as possible. We hope that all nations that sign the Agreement today will soon deposit their instruments of ratification. We urge those nations which are not able to sign the Agreement today to do so as soon as possible. Also ahead are the challenges of implementing effectively the provisions of the Agreement in various regional and subregional organizations and arrangements throughout the world. The status of the world's fish stocks demands that implementation of the Agreement begin immediately wherever straddling and highly migratory fish stocks are harvested.

In closing, Mr. Chairman, the Fish Stocks Agreement is a laudable accomplishment. The tasks before us are not only possible, but absolutely necessary. At stake are important issues involving biological integrity of marine ecosystems and food security. The United States is confident that we will succeed. Let us hope that our imagination and strength are as vast as the oceans we so cherish.

LIHEAP

Mr. ABRAHAM. Mr. President, in some parts of Michigan over 5 feet of snow have already fallen and the wind chill has brought the temperature to 50 below zero. Understanding the importance of helping the poor and elderly pay their heating bills during these cold months, I rise to support the Low-Income Home Energy Assistance Program [LIHEAP] and urge members of the Appropriations Committee to continue to support funding for this program.

Under the current continuing resolution, funding for LIHEAP is limited to the proportional annual rate of the duration of the Continuing Resolution. That is, if the Continuing Resolution lasts 32 days, only thirty-two three hundred and sixty sixths of LIHEAP funds can be spent. While this formula may work well for most other programs, for obvious reasons the vast majority of funding for LIHEAP is spent during the winter months. Therefore, the current Continuing Resolution formula leaves States with an extreme shortfall in their efforts to help the poor and elderly through the coldest months of the year.

Since LIHEAP is funded through the Labor, HHS, and Education appropriations bill which has not yet been debated on the Senate floor, the funding for this program necessarily must come through Continuing Resolutions. Should this continue to be the case, I urge those negotiating the Continuing Resolution to abandon the daily average formula they have been using and allow the bulk of LIHEAP funds to be spent during the cold, winter months.

Mr. BIDEN. Mr. President I rise in opposition to this bill, which I feel represents yet another attack on our Nation's resources and our environmental protection laws.

Our greatest legacy to our children and our grandchildren is the world which we leave to them. Simply put, this bill shortchanges future generations of Americans.

I want to commend my colleagues, particularly Senator GORTON and Senator BYRD, who have made some progress toward improving this bill.

First, and foremost, I want to acknowledge that the outcry from the taxpayers of this country has been heard: After months of wrangling, this bill finally restores the moratorium on the processing of mining claims, contained in last year's bill.

Without this freeze, gigantic, foreign-owned mining companies would be permitted to purchase Federal land, loaded with gold, silver, and other precious metals, for as little as $2.50, due to an outdated 1872 law still in effect.

Only $2.50 for an acre of land and all the gold underneath it is an outrageous ripoff for the taxpayers of this country.

Though the bill's language will still permit the processing of hundreds of applications which are now pending, this freeze will prevent even more companies from receiving this golden giveaway.

I also support the funding contained in this bill for the North American wetlands conservation fund.

This valuable public-private partnership, has enabled Federal and State wildlife officials, and conservationists in my home State of Delaware, to develop dozens of wetlands and wildlife habitat protection plans. It is cost-effective, matching funds are required, and it deserves our support.

Despite these few bright spots, much in this bill troubles me.

This legislation cuts our efforts to move away from fossil fuels, toward cleaner, renewable fuels, such as solar energy. Energy efficiency standards are also relaxed. The end result: a continuation of our growing dependence on foreign oil.

This conference report also prohibits listing additional species as threatened or endangered and prohibits designating and protecting critical wildlife habitat.

Delaware has 9 animal species, and 16 plant species, which are candidates for Endangered Species Act listing, and I am concerned that this provision will hasten their extinction.

An unsustainable amount of logging will also be permitted in the Tongass National Forest, a great temperate rainforest in southeastern Alaska.

With Christmas fast approaching I can understand a certain amount of sentiment for expedited logging. But we are not talking about a few Christmas trees here.

Under this bill, up to 418 million board feet of timber will be sold in 1996 and 1997—an allowable logging level which is 44 percent higher than the cutting average over the previous 10 years. This plan is locked in, and no changes are permitted.

The conference report also contains a legislative rider which allows the construction of a telescope on Mt. Graham, near Tucson, AZ, despite the fact that this development will likely harm an endangered species.

Putting the merits of the proposal aside, an appropriations bill is not the right location for reforming the Endangered Species Act.

Lastly, this bill expands the number of recreational activities permitted in the new Mojave preserve in California. If you plan to go hiking in the Mojave this summer, be forewarned, the Park Service may be forced to open this wilderness to motorized vehicles and aircraft.

In sum, Mr. President, this bill falls far short of adequately protecting our natural resources. Under this legislation, our dependency on foreign oil grows, endangered species are threatened, our environmental laws are disregarded, and Americans are left poorer.

President Clinton has announced his intention to veto this legislation, and I urge my colleagues to oppose it.

THE BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, the impression will not go away: The $4.98 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 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.

Mr. President, as of the close of business, Wednesday, December 13, the total Federal debt stood at exactly $4,988,313,115,981.39 or $18,935.72 per man, woman, child on a per capita basis. Res ipsa loquitur.

THE USE OF TROOPS IN BOSNIA

Mr. DORGAN. Mr. President, I rise to explain why I reluctantly supported last night the resolution written by Majority Leader DOLE and Senator MCCAIN of Arizona, which authorized the use of American troops to implement the Dayton Framework Agreement.

I did so with some apprehension. I have no illusions about how difficult this mission could be. Bosnia is a country deeply divided by 4 years of warfare and centuries of turbulence. The terrain is rough and the weather fierce. Much of the land is sown with mines.

So why do I—with some apprehension—support the DOLE resolution? I do it because I believe implementing the Dayton Agreement is the best option in a very bad situation.

Our decision would be easier if we could roll back the clock. If President Bush had used air power to punish Serbian aggression in 1991, we might not be here today. If President Clinton had persuaded our allies, over the past 2 years, to lift the arms embargo against Bosnia, we might now have the balance of power in Bosnia that the Dayton Agreement seeks to create. That is why I voted to lift the arms embargo so that Bosnia could defend itself.

But we cannot roll back the clock; 4 years of war have passed, and the parties are now exhausted. Our allies opposed lifting the embargo. So President Clinton began a diplomatic campaign this past summer to broker a peace settlement. The President's leadership and American-led NATO air strikes produced the Dayton Agreement. President Clinton deserves congratulations for this historic achievement.

Last night the Senate had to decide whether to authorize the use of troops to implement that agreement. Many North Dakotans have shared their concerns about this mission with me. So I want to take a moment to explain my vote to them by describing the decision that the Senate faced and the Dole resolution.

Let me put my vote in the context of what is happening in Bosnia. Since the war began, 250,000 people have lost their lives. Two million people have become homeless. Innocent civilians have been slaughtered, and no one has been spared—not the young, not the infirm, not the elderly. Ethnic cleansing has raged across the land of Bosnia. Atrocities have been committed, by both sides. And we have reliable reports of horrors that we thought we had banished from Europe 50 years ago, such as concentration camps and mass graves.

I agree with Senator DOLE's assesment that the President has the constitutional authority to commit these troops for a peacekeeping mission. While I have serious reservations about it, it seems to me we ought to, as the President commits these troops, by resolution, support the troops themselves and create narrow restrictions under which the President can keep them there—that they are going only in a peacekeeping role.

The President argues that other countries are sending more troops per capita than we are to carry out this mission. He points out that England is sending three times as many troops, relative to their population, as we are. I understand why it was difficult for the President to withhold a commitment of American troops to keep a peace that he helped negotiate and to keep a peace that will be monitored by virtually all other countries that belong to NATO.

But that does not eliminate the deep reservations I have about the risks of this mission, and about the dangers of changing the mission once our troops are in place in Bosnia.

It is true, I believe, that America is looked upon as a world leader that is not seeking to gain territory but is helping to promote peace. It is also true that with that leadership comes responsibilities. But our country has, in so many ways, for so many years, had to bear the brunt of that responsibility—to pay for the defense of Western Europe and to provide international leadership when others would not.

I would have much preferred, in this circumstance, that the European Community would have been willing to step forward and broker a peace and keep the peace without having the United States expose our ground troops to the kind of risks we will face in the Balkan region. But the President has committed our country to helping to secure peace. And it seems to me we are in a position now where we must tell the President these are the conditions under which you can meet that commitment, which is what the Dole resolution attempts to do.

I am not, by supporting the Dole resolution, saying that I believe the President made the right commitment for our country. But rather, I am expressing support for the troops, acknowledging that the commitment was made and saying that our country must now proceed to keep its word.

Because I have real concerns about this mission I want the President and my colleagues to know that if a change of mission occurs in Bosnia, if the peace does not hold, and there is a decision our soldiers should become peacemakers instead of peacekeepers then I will be among the first in Congress to call for the immediate withdrawal of the American troops and to vote for a cut-off of funding, if necessary, to accomplish that withdrawal.

Finally, Mr. President, let me highlight a few aspects of the Dole resolution that I think are important to my vote. First, the resolution expresses the unequivocal support of Congress for the work of our troops. It commends their professionalism, their bravery, and their sacrifice. It expresses the commitment of Congress to give them the tools they will need to do their job.

Second, it states that the United States will lead an international effort to arm and train the Bosnian Moslems. That is important. American troops will be able to leave if the Bosnian Moslems are able to defend themselves.

Third, the Dole resolution recognizes that American troops are going to Bosnia to enforce a peace agreement. They are not there to make the peace. The leaders of Bosnia, Croatia, and Serbia have decided that peace is their policy, and they have again attested to that decision by signing an agreement today in Paris. If the parties themselves abandon peace, then our troops should depart.

Fourth, the resolution supports a truly multilateral operation. The Dayton Agreement's implementation force will be composed of 60,000 troops from about 30 different countries, including non-NATO nations such as Russia, Poland, the Czech Republic, and Hungary.

This is my thinking on Bosnia, Mr. President, and these are the reasons why I voted for the Dole resolution last night. I hope and pray that my vote will help our troops fulfill their mission and will help speed them safely home.

UNITED STATES DUTIES AND RESPONSIBILITIES CONCERNING WAR CRIMINALS AND EVIDENCE OF WAR CRIMES IN THE UNITED STATES ZONE IN BOSNIA AND HERZEGOVINA

Mr. D'AMATO. Mr. President, I rise today to discuss a matter that has not received much public attention during the course of our discussions of the United States role in the Balkans and specifically in Bosnia. While administration officials have discussed how we would respond if we encountered indicted war criminals in Bosnia, they have been silent on the equally important question of collecting and protecting evidence of violations of international humanitarian law.

This is a very basic point. You can indict and arrest suspects, but for convictions, you need solid, admissible evidence. The International Criminal tribunal for the Former Yugoslavia has been doing excellent work, considering the resource limitations it operates under and its lack of direct access to many crime scenes. It now lies within the power of the United States to advance the tribunal's work and the cause of justice in the former Yugoslavia.

The United States has supported the Tribunal's efforts to acquire more resources. Now, the United States and our NATO allies in the implementation force will have direct access to the scenes of the alleged crimes. The question we face is what do we do with this access?

I strongly believe that we have a moral obligation to seek out, collect, protect, and provide to the tribunal such evidence of violations of international humanitarian law as we are able to discover within the United States zone in Bosnia. Let me be specific.

Last Wednesday, December 6, 1995, the Commission on Security and Cooperation in Europe, better known as the Helsinki Commission, of which I am cochairman, held a hearing entitled ''Mass Graves and Other Atrocities in Bosnia.'' The witnesses at this hearing were Mr. Ivan Lupis, of Human Rights Watch, Mr. David Rohde of the Christian Science Monitor, and Dr. Barbara C. Wolf, M.D., a forensic pathologist who participated in an AmeriCares exhumation project in Bosnia.

Mr. Rohde and Mr. Lupis both testified to events leading up to and following the fall of the United Nations-declared safe area of Srbrenica on July 11, 1995. According to their testimony, perhaps as many as 8,000 Bosnian moslems were massacred by Bosnian Serbs following the storming of Srebrenica. Their remains were buried in an area between Srebrenica and Tuzla, the headquarters of the United States forces that will be assigned to the implementation force [IFOR].

Possible mass grave sites identified following the fall of Srebrenica are at or near the following locations: Zabrde, Kravica, Burnice, Nova Kasaba, Kuslat, Sahanici, Rasica Gai, and Karakaj. These sites all lie within the U.S. zone. Mr. Rohde personally visited four sites, at Nova Kasaba and Sahanici, and confirmed that they were in fact mass graves.

It is vitally important that the United States act to secure these sites and facilitate access to them by international investigators. Under the Dayton Peace Agreement, the United States has the right to do this. I strongly believe that we must exercise that right, and promptly, before evidence that is potentially vital to the prosecution of the killers can be destroyed.

At last Wednesday's hearing, Mr. Rohde testified as follows in that regard, according to an uncorrected transcript of the hearing: ''The U.S. intelligence said this last month: They have aerial photos of backhoes being in the area digging it up, taking out some kind of material which could be bodies. And there's a possibility the Bosnian Serbs are pouring acid onto the bodies and destroying evidence.''

Now, I want to review specifically what the Dayton Peace Agreement says and how its provisions apply in this situation, so that there can be no misunderstanding of the duties of the parties to the agreement. These provisions now take effect because the agreement was signed in Paris earlier today.

The Dayton agreement provides as follows in article VII: ''Recognizing that the observance of human rights and the protection of refugees and displaced persons are of vital importance in achieving a lasting peace, the Parties agree to and shall comply fully with the provisions concerning human rights set forth in Chapter One of the Agreement at Annex 6, as well as the provisions concerning refugees and displaced persons set forth in Chapter One of the Agreement at Annex 7.''

Article VII thus commits all of the parties, including the Bosnian Serbs, to comply fully with the following provision, among others:

In particular, annex 6, article XIII, paragraph 4 of the Dayton agreement provides as follows: ''All competent authorities in Bosnia and Herzegovina shall cooperate with and provide unrestricted access to the organizations established in this Agreement; any international human rights monitoring mechanisms established for Bosnia and Herzegovina; the supervisory bodies established by any of the international agreements listed in the Appendix to this Annex; the International Tribunal for the Former Yugoslavia; and any other organization authorized by the U.N. Security Council with a mandate concerning human rights or humanitarian law.''

In other words, the Dayton agreement singles out the International Tribunal for the Former Yugoslavia as one of the organizations with which all competent authorities in Bosnia and Herzegovina must cooperate. This means that the Bosnian Serbs may not prevent investigators from reaching these mass grave sites or exhuming the remains or doing any of the other tasks necessary to a full and complete investigation of the crimes committed there.

Annex 1–A, ''Agreement on the Military Aspects of the Peace Settlement,'' article II, ''Cessation of Hostilities,'' paragraph 4 further provides as follows: ''The Parties shall cooperate fully with any international personnel including investigators, advisors, monitors, observers, or other personnel in Bosnia and Herzegovina pursuant to the General Framework Agreement, including facilitating free and unimpeded access and movement and by providing such status as is necessary for the effective conduct of their tasks.''

This provision is even more specific. It requires that the parties facilitate ''free and unimpeded access and movement.'' This means that road blocks, security zones, military areas, or any of the other excuses, ruses, or tricks that were formerly the Serb's stock in trade to prevent international observation or investigation of their actions are no longer permitted.

Now, let us look more closely at the rules covering United States forces as part of IFOR in Bosnia. Annex 1–A, article VI, ''Deployment of the Implementation Force,'' paragraph 3 provides as follows: ''The Parties understand and agree that the IFOR shall have the right to fulfill its supporting tasks, within the limits of its assigned principal tasks and available resources, and on request, which include the following: * * * (b) to assist the movement of organizations in the accomplishment of humanitarian missions; (c) to assist the UNHCR and other international organizations in their humanitarian missions; (d) to observe and prevent interference with the movement of civilian populations, refugees, and displaced persons, and to respond appropriately to deliberate violence to life and person * * *''

Paragraph 5 provides as follows: ''The Parties understand and agree that the IFOR Commander shall have the authority, without interference or permission of any Party, to do all that the Commander judges necessary and proper, including the use of military force, to protect the IFOR and to carry out the responsibilities listed above in paragraphs 2, 3 and 4, and they shall comply in all respects with the IFOR requirements.''

This is a key provision, when read with paragraph 3. In essence, it means that the United States does not have to ask the Bosnian Serbs for permission to assist the movement of tribunal investigators or to help them with exhumations or other heavy work. In addition, it means that any resistance can be met with military force.

Paragraph 9 provides as follows: ''Air and surface movements in Bosnia and Herzegovina shall be governed by the following provisions: (a) The IFOR shall have complete and unimpeded freedom of movement by ground, air, and water throughout Bosnia and Herzegovina. It shall have the right to bivouac, maneuver, billet, and utilize any areas or facilities to carry out its responsibilities as required for its support, training, and operations, with such advance notice as may be practicable. The IFOR and its personnel shall not be liable for any damages to civilian or government property caused by combat or combat related activities. Roadblocks, checkpoints or other impediments to IFOR freedom of movement shall constitute a breach of this Annex and the violating Party shall be subject to military action by the IFOR, including the use of necessary force to ensure compliance with this Annex.''

This is another key provision. It puts teeth into the requirement of annex 1–A, article II, paragraph 4, quoted in full above, that ''[t]he Parties shall cooperate fully with any international personnel including investigators * * * including facilitating free and unimpeded access and movement. * * *'' It permits the use of military force to overcome roadblocks, checkpoints, or other impediments to IFOR freedom of movement, even when escorting, for example, tribunal investigators.

I have just described the legal foundation for United States action in support of investigations of violations of international humanitarian law in Bosnia and Herzegovina. That legal foundation comes into force now that the Dayton Peace Agreement has been

signed in Paris earlier today. Now, the issue for the United States is what we are actually going to do, given that we now appear to have, and I would argue that we clearly do have, the legal right to support, assist, and facilitate these investigations.

Mr. President, the distinguished chairman of the Commission on Security and Cooperation in Europe, Representative CHRISTOPHER H. SMITH of New Jersey, and I, sent a joint letter to Secretary of Defense William J. Perry last Friday, asking just that question. In fact, it is a long letter and it asks detailed questions about the entire United States approach to the issue of violations of international humanitarian law in Bosnia and the United States response to those violations. While it is much too soon to expect a response, I urge the Secretary to put his staff to work on the questions contained in the letter so that we can have answers before we make serious mistakes.

Mr. President, I ask unanimous consent that our joint letter to Secretary Perry be printed in the RECORD.

I plan to speak again on this topic as more information is received and the situation develops.

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

DECEMBER 8, 1995

Hon. WILLIAM J. PERRY,
Secretary of Defense, Department of Defense, the Pentagon, Washington, DC.

DEAR MR. SECRETARY: We write today to pose some important questions with regard to the U.S. forces assigned to the NATO Implementation Force in Bosnia. What are the United States' legal obligations concerning the International Criminal Tribunal for the Former Yugoslavia, what are the United States' moral obligations to support the Tribunal's work, and what instructions have you given U.S. forces concerning those legal and moral obligations?

Security Council Resolution 827 (25 May 1993) established the International Criminal Tribunal for the Former Yugoslavia. Paragraph 4 of that Resolution provided that ''. . . all States shall cooperate fully with the International Tribunal and its organs in accordance with the present resolution and the Statute of the International Tribunal and that consequently all States shall take any measures necessary under their domestic law to implement the provisions of the present resolution and the Statute, including the obligation of States to comply with requests for assistance or orders issued by a Trial Chamber under Article 29 of the Statute.''

Under this United Nations Security Council resolution, the Statute establishing the Tribunal, and other applicable international law, what is the legal obligation of the United States Government should indicted war criminals come within our potential control in the former Yugoslavia? Are we legally obligated to arrest them and deliver them up to the Tribunal for trial?

A summary of the Dayton Peace Agreement provided by the State Department contained a paragraph that states that ''[t]he agreement gives IFOR, the peace implementation force, the authority and discretion to use military force to prevent interference with the free movement of civilians, refugees, and displaced persons, and to respond appropriately to violence against civilians. *IFOR has the authority to arrest any indicted war criminals it encounters or who interfere with its mission, but it will not try to track them down.*'' [Italic added.]

A review of the text of the Dayton Peace Agreement, its annexes and appendices, and accompanying side letters, failed to locate anywhere in these texts a provision or provisions conferring upon IFOR ''the authority to arrest any indicted war criminals it encounters,'' or, for that matter, to arrest anyone at all. Moreover, paragraph 3 of Appendix B to Annex 1–A provides that ''[a]ll personnel enjoying privileges and immunities under this Agreement shall respect the laws of the Republic of Bosnia and Herzegovina insofar as it is compatible with the entrusted tasks/mandate and shall refrain from activities not compatible with the nature of the Operation.'' This provision could be wrongfully construed to prohibit U.S. forces from arresting indicted war criminals.

What direction has the United States given its forces concerning encounters with indicted war criminals within the territory of the former Yugoslavia? What is the legal basis for such direction? Will U.S. forces be issued pocket cards containing this direction, and a specific reporting channel should they make an arrest? Will they be provided with wanted posters or other detailed identifying information on all persons indicted for violations of international humanitarian law during the conflict in the former Yugoslavia?

If U.S. forces do encounter and arrest an indicted war criminal, will the United States remove the suspect from the territory of the former Yugoslavia and deliver the suspect to the International Criminal Tribunal for trial? Will the United States seek permission from any entity within the territory of the former Yugoslavia to remove the suspect, or is the United States prepared to act unilaterally?

What direction will be given to U.S. forces to be deployed to the former Yugoslavia concerning the collection of evidence of crimes against humanity or war crimes? Will U.S. forces make an active effort to collect testimony and physical evidence, and protect from destruction physical evidence, including mass grave sites, concentration camps, detention facilities, and records relating to such crimes? We note that the mass grave sites from the Srebrenica massacres appear, according to published maps, to lie within the U.S. zone. Please describe your plans for this effort and specify how the plan will be implemented.

Have U.S. forces been trained to safeguard those aspects of war crimes-relevant materials that must be protected so these materials may be legally admissible before the International Tribunal? Are U.S. staff judge advocate, military police, criminal investigation division, counterintelligence, civil affairs, and other personnel who are likely to come into contact with residents, familiar with the Tribunal's rules of evidence, and how they differ from U.S. rules and the Uniform Code of Military Justice? Please explain how the rules differ and what specific steps you have taken to ensure that U.S. troops identify and properly collect, and do not destroy, contaminate, or otherwise render legally unusable, evidence of war crimes or crimes against humanity that they may encounter on the territory of the former Yugoslavia.

What specific arrangements have been made for reporting war crimes- and crimes-against-humanity-related information up the U.S. and NATO chains of command in Bosnia? How will this information be passed to the International Tribunal? Is there a memorandum of understanding, an exchange of letters, or any other formal arrangement between NATO and the International Tribunal? Between the U.S. and the Tribunal? Is there a designated position/person in IFOR who is specifically tasked with the responsibility of liaising with the Tribunal and arranging for transfer of custody of suspects and/or evidence?

What arrangements has the Department made with the Department of State concerning reporting war crimes- and crimes against humanity-related information to the International Tribunal? If there is not a formal arrangement between NATO or IFOR and the Tribunal, is there an agreement with State that State will receive and forward such information to the Tribunal?

If the International Tribunal asks U.S. forces to secure a specific area within the U.S. zone until an investigative team can arrive, will U.S. forces do so? Under the Status of Forces Agreement, could U.S. forces secure, for example, an office building holding records from a prison camp?

What is your understanding of the moral responsibility of the United States to take action against suspected war criminals or persons who allegedly committed crimes against humanity in the former Yugoslavia? By ''action,'' we are referring to a range of initiatives from their arrest, through collection and preservation of evidence of the crimes and cooperation with international investigations of the crimes. Have you taken any action to instruct and educate U.S. forces concerning this responsibility, so that they may be properly sensitized to it? (Regular instruction in the Law of Land Warfare is clearly insufficient in such an extreme case as the alleged violations of international humanitarian law that have reportedly occurred in the former Yugoslavia.)

Will U.S. civil affairs and/or psychological operations units be tasked to inform the public in the U.S. zone that the U.S. is actively seeking information concerning war crimes and crimes against humanity, and provide to the public points of contact in IFOR or the U.S. contingent of IFOR for them to call or visit to provide such information?

When refugees or displaced persons pass through the U.S. zone and have contact with U.S. forces, will our forces be instructed to ask if they have any information on war crimes or crimes against humanity? Will U.S. forces be issued pocket cards with such questions, and a reporting channel for forwarding the information?

What arrangements have been made to provide speakers of the Bosnian languages who will serve as translators for U.S. forces deployed as part of IFOR? How many translators do you expect you will need? How will you obtain them? In making these arrangements, has war crimes reporting been a consideration in interpreter selection? Is there a plan to train interpreters in U.S. military terminology? If interpreters will undergo any training, will war crimes reporting be included in that training?

While we understand that it may take the Department some time to answer these questions, and many of the people who would know the answers to these questions are essential to the actual deployment of IFOR to the former Yugoslavia, we believe that these questions are sufficiently important to warrant consideration before U.S. forces are present on the ground in full strength. It would be a very grave matter if U.S. forces were inadvertently to allow a war criminal to escape, or were to destroy vital criminal evidence during the deployment process. Accordingly, we ask that these questions receive prompt and careful consideration by the responsible officials, and we look forward to receiving your response in writing in a timely manner.

Sincerely,

CHRISTOPHER H. SMITH,
Chairman.
ALFONSE D'AMATO,
Cochairman.

THE ANTICOUNTERFEITING CONSUMER PROTECTION ACT OF 1995

Mr. LEAHY. Mr. President, I was pleased to be an original sponsor of S. 1136, the Anticounterfeiting Consumer Protection Act of 1995, to provide additional tools to combat trademark and goods counterfeiting crimes that cost our Nation billions of dollars per year.

The Judiciary Committee received estimates that international counterfeiting amounts to more than $200 billion a year. Bank robberies in this country involve less than $50 million a year. Just as we do not tolerate theft of peoples' funds from our banks, we can no longer tolerate the theft of intellectual property rights or reputation through unlawful copying, counterfeiting and infringement.

Even States like Vermont, with one of the lowest violent crime rates in the Nation, is home to businesses losing money to counterfeiters. Vermont Maple syrup producers comply with stringent standards so that syrup lovers around the world are not disappointed. They have to be constantly vigilant against counterfeiters who use the Vermont label to get a free ride on the reputation for excellence that syrup from my State enjoys.

Another example, concerns our IBM facility in Essex Junction, which makes 16- and 64-megabyte memory chips, known as Dynamic Random Access Memory Chips or DRAM. These memory chips are also the subject of counterfeiting activities. In addition, IBM has estimated annual losses to bootleg computer software at $1 billion.

The Software Publishers Association and Business Software Alliance estimate that software counterfeiting may account for as much as $6.5 billion a year, which is over 40 percent of all software industry revenues. This is unacceptable for any business if it is to survive.

At our Judiciary Committee hearing on October 10, we heard from Tom McGann, executive vice president of Burton Snowboards of Burlington, VT. This company is the world leader in making snowboard equipment, but loses an estimated $1 million annually to copycat boots made in Korea.

Companies that work hard and devote resources to developing good products, ensure design and safety standards, and develop a well-deserved reputation for quality should have their trademarks and good names protected. Moreover, consumers need to be sure that what they are buying is what it appears to be. Burton Snowboards' testimony brings home the reality and the damage of counterfeit goods.

Tom McGann made several important points and was by my estimation the most important and persuasive witness from which we heard. Tom observed that current legal options against counterfeiters were ''so time consuming and so costly that we began to wonder why we went to the trouble of getting the patent at all.'' He also hit the nail on the head when he spoke about the unfairness of allowing those who make no investment in development and quality control to rip off companies that do. He made perhaps the most critical point when he testified that from a business perspective copies undercut the reputation and lead to the loss of public confidence in products of the company that is being copied.

Burton Snowboards is the world leader in making snowboard equipment, boots and related products. This private company was begun by Jake Burton Carpenter, who is generally credited with having developed the sport. This is a classic American story in which Jake-and-a-bandsaw-in-a-garage has led to a company that invests heavily in research and development to make the finest products of its kind in the world. Burton Snowboards' investment should be protected and its customers' confidence rewarded.

Our bill takes important steps to address the problem of counterfeiting in several ways. It seeks to expand our existing racketeering law to cover crimes involving counterfeiting and copyright infringement and to give our law enforcement officers additional, needed authority to seize counterfeit merchandise and impose fines on counterfeiters. It authorizes statutory damages of up to $1 million in private suits against infringers.

I also want to emphasize one of the considerations that bring me to this fight—the health and safety risks posed by counterfeit products. Consumers are being defrauded and being placed in jeopardy by products that do not meet the safety standards that are required of legitimate businesses. We must do everything that we can to confront these dangers as well as the economic damage of illegal counterfeiting. Everything from snowboard boots to software to airplane parts to baby formula to medicine and medical supplies have been the subject of counterfeiting. In addition to the economic harm, the health and safety risks from some counterfeit products provide additional justification for our doing everything that we can to confront the dangers as well as the damage of illegal counterfeiting.

Most troubling at our hearing was the testimony that increasingly, the revenue lost to legitimate U.S. companies is going into the pockets of international crime syndicates and organized criminals, who manufacture, import, and distribute counterfeit goods to fund their other criminal enterprises. It is time to use our RICO weapons against racketeers who are engaged in criminal infringing activities.

As we marked up the bill at the Judiciary Committee, I offered—and the Committee accepted—an amendment to clarify its provisions. Most importantly, my amendment clarified that those subject to civil penalties for participating in the importation of counterfeit goods should include those who ''aid and abet'' rather than those ''in any way concerned in'' the activity.

Even as we make our laws more effective in combating counterfeiting crimes here, we cannot overlook the international nature of the problem. Copycat goods with the labels of legitimate, American companies are manufactured, distributed, and sold in foreign cities around the globe. We should insist that our trading partners take action against all kinds of intellectual property violations: Whether counterfeiting or copyright piracy, it amounts to theft and fraud on the consuming public. We cannot tolerate our trading partners and international allies acting as safe havens for pirates. We must take all responsible action we can to protect against piracy and counterfeiting.

Our Nation's economic health in the next century rests in large part with our innovative high-technology and intellectual property companies. It is not protectionism to demand that others around the world recognize basic standards on trademark, patent, and copyright law and enforce prohibitions against counterfeiting and infringement. If our intellectual-property-based industries are to continue to lead the world, their creativity must be rewarded and their property rights and investments must be protected.

In addition to this legislation, we need to enlist the public in this fight and to educate the public about the downside of trademark counterfeiting and patent and copyright infringement. We need to be sure that our international negotiators and our trading partners share our resolve against these crimes.

I thank Jake Burton Carpenter, Tom McGann, and all those at Burton Snowboard for working with us on this measure. I also want to note the strong support of the Business Software Alliance and the Software Publishers Association, the Interactive Digital Software Association, the Recording Industry Association of America, the International Trademark Association, the American Amusement Machine Association, and the Imaging Supplies Coalition.

I appreciate hearing from Steven Olechny of The Timberland Co. from our neighboring State of New Hampshire and thank Timberland for its support for this legislation. I note the support a wide range of companies making everything from the Barney dinosaur and Mighty Morphin Power Rangers to Polo, No Fear, Nautica, and Hilfinger clothing to Oakley sunglasses and thank Hunting World, Hoechst Celanese, Procter & Gamble, Nintendo, Kodak, Polo Ralph Lauren, Nautica Apparel, Oakley, No Fear, Tommy Hilfinger Licensing, Chanel, Lyons

Group, Warner Bros., the Walt Disney Co., Saban Entertainment, Rolex, the Coalition to Advance the Protection of Sports Logos, and the Cosmetic, Toiletry, and Fragrance Association for their comments on the legislation and their support. Finally, I want to thank John Bliss and the members of the International Anti-Counterfeiting Coalition for their effective work against international counterfeiting and their support for this legislation.

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

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1996—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of the conference report accompanying H.R. 1977, which the clerk will report.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 1977) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1996, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The Senate proceeded to consider the conference report.

(The conference report is printed in the House proceedings of the RECORD of December 12, 1995.)

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, would you state the conditions under which this conference report is being debated?

The PRESIDING OFFICER. When the Senate considers the conference report to accompany H.R. 1977, the Interior appropriations bill, time will be limited to 6 hours, 3 of which shall be under the control of the Senator from Washington, or his designee, of which 20 minutes shall be under the control of the Senator from West Virginia; and 3 hours under the control of Senators BUMPERS and BRADLEY, or their designees.

Mr. GORTON. Mr. President, the Senate is no considering the conference report on H.R. 1977, the fiscal year 1996 Department of the Interior and related agencies appropriations bill. This conference report and accompanying statement of the managers appeared in the CONGRESSIONAL RECORD on December 12, 1995, on pages H14288 through H14310. This is the third conference agreement. The first conference report was recommitted by the House on September 28 due primarily to objections to the conference adoption of the Senate provisions on mining, which lifted the existing moratorium on issuing new patents. The second conference report was recommitted again by the House on November 15 due to objections to mining and Tongass National Forest concerns.

The agreements before the Senate today total $12.235 billion in discretionary budget authority. The outlay scoring totals $13.210 billion. The budget authority and outlay figures are precisely at the 602(b) allocation levels. The recommendations of this conference agreement represent a total decrease below the President's budget request of $1.7 billion in budget authority and of $949 million in outlays.

The conference report represents difficult choices and real cuts in spending—without scorekeeping adjustments—of $1.4 billion below the fiscal year 1995 level or a reduction of 10 percent. Interior bill agencies do not share equally in the 10-percent reduction. For instance, the land management agencies are reduced by 14 percent; cultural activities are reduced by 15 percent; the Indian programs are reduced by 4 percent; and the Department of Energy agencies are reduced by 10 percent.

The Interior appropriations bill is a complex bill, providing funding for 40 agencies with very diverse programs. This conference agreement reflects a meshing of the budget resolution considerations, the administration's fiscal year 1996 priorities, the priorities of the Senate and House, and the concerns of individual Members. For example, the Congress and the administration place a high priority on the National Park Service and the Indian programs. Therefore, the National Park Service and the Indian programs are reduced significantly less than other programs and agencies within the bill.

Our conference addressed a considerable number of differences. There were approximately 900 items in disagreement between the House and Senate Interior appropriations bills. As in the past, this bill has received abundant attention and sparked debate within the Congress and the administration. This conference report represents an earnest effort to address many of the administration's objections to this year's Interior actions.

There may be programs which Senators would like to see funded at higher levels. On many, I agree. Certainly, the administration has indicated that it views funding for some programs as inadequate. However, I would remind these Senators and the administration of the funding constraints for this bill and the difficult choices that had to be made. The conferees had to fund programs within an allocation that was 10 percent less than was available for the bill in fiscal year 1995. For every program that was reduced less than 10 percent, other programs had to be reduced by more than 10 percent.

Mr. President, I would like to highlight some of the items in the conference agreement:

INDIAN PROGRAMS

Programs for native Americans and Alaska Natives are funded at $3,652,895,000 within the bill. Within the funding constraints, high priority was placed on the health needs of native Americans funded through the Indian Health Service and on Bureau of Indian Affairs funded elementary and secondary education programs.

The conferees restored $111.5 million above the Senate level to the Bureau of Indian Affairs, resulting in an overall reduction for BIA of $159.6 million, or 9 percent, below the fiscal year 1995 level for BIA activities. Funds were restored primarily to tribal priority allocations, which fund tribal government services.

Additionally, $25 million has been added to the previous conference agreement for the Indian Health Service [IHS]. This brings the IHS 1 percent above the fiscal year 1995 enacted level.

LAND MANAGEMENT

Although the land management agencies have been decreased overall by 14 percent from the current level, the conferees have attempted to protect the operational base of the land management agencies as much as possible:

National Park Service: 0 percent.

Fish and Wildlife Service: −3 percent.

Bureau of Land Management: −5 percent.

Forest Service: −5 percent.

To assist with the growing recreation demands on the agencies in this bill, a pilot recreation fee proposal is included.

The construction accounts for the land management agencies have decreased $85 million in total—−20 percent. The majority of the construction projects involve the completion of ongoing projects and the restoration or rehabilitation of existing facilities.

Overall funding for land acquisition for the land management agencies totals $140 million which is 40 percent below the fiscal year 1995 appropriations level. There are no earmarks for specific projects. However, the administration must obtain congressional approval for any projects to be funded.

NATIONAL BIOLOGICAL SERVICE

The Interior's biological research is placed under the Director of the U.S. Geological Survey. Funding of $137 million is provided for the research activities, which is a reduction of $35.7 million below the current level.

MINING AGENCIES

The conference report includes a compromise between the Senate and House provisions on mining patents.

The conference agreement continues the existing moratorium on the issuance of mining patents as contained in the fiscal year 1995 Interior appropriations bill. The conference agreement also contains provisions that the Secretary of the Interior must process within 5 years 90 percent of the patents grandfathered in the current moratorium and provides authority for third-party mineral examiners paid for by patent applicants.

The mining and minerals related agencies are collectively funded at 9 percent below the fiscal year 1995 level. The Bureau of Mines is eliminated and the essential functions of the Bureau of Mines are moved to the Department of Energy, the U.S. Geological Survey, and the Bureau of Land Management.

Last year's ban on Outer Continental Shelf [OCS] offshore oil and gas leasing continues.

DEPARTMENT OF ENERGY

The Energy Conservation Program is funded at $553 million. The low-income weatherization program is funded at $114 million.

Fossil energy research and development is funded at $377 million, a decrease of 14 percent below the fiscal year 1995 level, not including the Bureau of Mines.

CULTURAL AGENCIES

We have made a concerted effort to address the critical repair and renovation needs of the cultural organizations, such as the National Gallery of Art, the Smithsonian Institution and the Kennedy Center, in order to fulfill our primary responsibility of protecting their collections and structures. Reductions to operating accounts, while unavoidable, have been kept relatively small in recognition of the wide array of public services which in large part define the mission of these agencies.

The National Endowment for the Arts is provided $99.5 million and the National Endowment for the Humanities is provided $110 million. The Senate and House managers differ with respect to the continuation or termination of the Endowments. The managers on the part of the Senate support continued funding for the Endowments and believe the controversial issues surrounding these two agencies are ones which should be addressed by the legislative committees of jurisdiction in the House and Senate.

In short, we have done the best we can with severely limited resources, concentrating our efforts on those agencies that rely on the Congress for the bulk, if not all, of their support and on those agencies that are of high priority to the administration and the Congress.

I have a couple of clarifying items relating to the Interior conference report that have been cleared with Senator BYRD, the ranking member of the Interior Subcommittee; Mr. REGULA, chairman of the House Interior Subcommittee; and Mr. YATES, ranking member of the House Interior Subcommittee.

In the statement of the managers accompanying the conference report, the managers referred to the ''existing hospital authority'' in American Samoa. This reference is to the institutional entity, and does not preclude changes to the composition or the structuring of the authority, particularly if the changes strengthen the management of health care in American Samoa.

The managers for both the House and the Senate agree that funds provided in this bill for cooperative conservation agreements may be used for the 4(d) rule to ease endangered species land use restrictions on landowners, whether large or small.

Mr. President, before I yield the floor, I wish to thank Senator BYRD, the ranking member of our Interior Subcommittee and the ranking member of our full Appropriations Committee. In addition, I would like to thank all of the Members on both sides of the aisle, who have provided their assistance in forming this bill. Also, I wish to express my appreciation to Chairman REGULA and his staff and to Mr. YATES and his staff.

I want to recognize and to voice my appreciation to the Interior Subcommittee staff as well. On my staff are Cherie Cooper, Kathleen Wheeler, Bruce Evans, and Ginny James. I also wish to thank Sue Masica, who is Senator BYRD'S Interior Subcommittee assistant.

Mr. President, on a less formal basis, I would like to call the attention of my colleagues to the differences between this bill and the bill that originally passed the Senate. I remind my colleagues that final passage of this bill in the Senate was by a vote of 92 to 6. That overwhelming and bipartisan vote, I am convinced, was due to the magnificent cooperation I had from my distinguished colleague from West Virginia, Senator BYRD, and other members of the subcommittee. We attempted to follow the tradition of many years and deal with this bill, including all of its controversial elements, with the least possible partisanship, and I believe that we succeeded.

This contrasts rather considerably with the way in which this bill was treated in the House of Representatives. But I do wish to say, to emphasize to all Members of both parties, to the extent that there are differences in this bill from the bill which originally passed the Senate, those differences are slightly to increase some accounts and to attempt in part to meet objections on the part of the administration.

It is very clear to me, as I speak to my colleagues at this point, that we have not sufficiently satisfied the administration to have a guarantee that this bill will be signed. Nevertheless, as compared to the original bill, which passed by a vote of 92 to 6 in this body, we have made a number of substantive gestures in the direction of the objections of the administration. For example, this bill includes budget authority of $111 million more than the bill which originally passed the Senate. Primarily that extra money goes to various Indian activities which were the most controversial elements of the bill as it was debated in the Senate originally and again goes at least part way to meeting objections on the part of the administration.

Second, the mining patent provisions, while I suspect not satisfactory to all Members, are closer to the present law and to the moratorium that was passed by the House of Representatives than was the original Senate provision which was adopted by a very closely divided vote.

In addition, the language relating to the Tongass National Forest is mitigated to a certain extent to meet objections on the part of the administration. These two items, not at all incidentally, Mr. President, were the two items that created the greatest degree of opposition in the House of Representatives and caused two referrals back to the conference committee after the original conference committee report was adopted.

In several additional areas in which there is substantive legislative language in this bill, it has been modified at least modestly and in part to meet the objections of the administration.

I want personally to urge the administration seriously to consider approving this bill. It will provide considerably better and more assured support for the wide range of activities covered by this Interior Department appropriations bill than will any continuing resolution carried over an extended period of time.

As we speak here on the last day of the current continuing resolution, these agencies are operating on the lower figure contained in either the House or Senate bill. In almost every case, as a consequence, the bill that we have before us funds those agencies more generously and with a greater degree of certainty.

So I ask my colleagues to approve a bill that is literally easier for most of them to approve than was the one they voted in favor of by a vote of 92 to 6, and I suggest strongly to the administration that in the present context it is unlikely to get a bill more favorable to its concerns. If, as, and when there is a final budget agreement, there may be some additional changes, but, of course, they could be taken care of as a part of that budget agreement itself.

In any event, Mr. President, I strongly suggest to my colleagues support for and passage of this bill this afternoon.

With that, I yield the floor. I suggest the absence of a quorum, and I ask that it be charged equally against both sides.

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

The legislative clerk called proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. COATS). Without objection, it is so ordered.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent to be designated to control time on this side.

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

Mrs. FEINSTEIN. Mr. President, I yield such time as I may consume to myself.

Mr. President, I rise in opposition to the conference report on the fiscal year 1996 Interior appropriations bill.

One year ago, Congress voted overwhelmingly, with strong bipartisan support, to pass a California Desert Protection Act and establish the Mojave National Preserve. This act, the Desert Protection Act, culminated an 8-year-long battle in the Congress to protect some of America's most spectacular and environmentally sensitive wilderness areas, in particular the Mojave National Preserve, often called the ''crown jewel'' of the act.

California has about 25 million acres of desert. This act essentially protected around 6 million of those acres, created the Joshua Tree National Park, Death Valley National Mark, and the East Mojave Preserve.

The congressional process included literally years of research, public hearings, debate, and every possible consideration and compromise to safeguard the interests of property owners and businesses in the region. The bill passed.

Now, rather than carrying out the intent of the legislation, which was to have a national preserve with hunting, which some of the opponents wanted, under National Park Service management, this bill contains an effort to destroy the Mojave National Preserve. All other national parks are being funded. Yet this conference report singles out the newest unit of the National Park System for budget cuts. The President had $2.6 million in his budget for National Park Service management of this new park.

The conference report provides no funding for the National Park Service to manage the Mojave National Preserve. Instead, it turns management back over to the BLM, the agency which managed the East Mojave so poorly before enactment of the desert bill and provided the whole enthusiasm for creating a national park. And the bill also provides a totally inadequate amount for the BLM to do the job. The BLM was criticized when it had $1.7 million to run this area. It did not do it adequately with that amount. And now there is no money for the Park Service, with the exception of the $500,000 for planning.

I believe this is contrary to the wishes of the people of California. Included in a statewide poll, conducted very recently and just released yesterday, were some new poll numbers with respect to the views of Californians and this park. Statewide, 74 percent of all Californians opposed a limit on the Park Service budget for management of this park. Statewide, 84.6 percent of Californians today support keeping the Mojave a national park. In every region of the State, in this new statewide poll, people overwhelmingly supported keeping the Mojave as a national park. Only 9 percent of the people of the State of California in this Field Institute poll oppose the park.

I want to emphasize that the local communities and businesses—this is a very sparsely populated area—and the Barstow, Baker, and Newberry Springs Chamber of Commerce have welcomed the Park Service to the Mojave and support the new park. Let me read what they have to say.

The Barstow Area Chamber of Commerce says: ''The National Park Service is graciously welcomed to Barstow and to the Mojave Desert. The chamber hopes that the needed funds will be appropriated in a timely manner so that quality facilities and services will be accomplished as soon as possible by the Park Service's personnel.''

The Barstow Development Corp. writes: ''The park will be beneficial to the majority of business persons in Barstow and to Barstow's economy, therefore being a positive influence to most of the citizens in Barstow.''

The Newberry Springs Chamber of Commerce says: ''Newberry Springs is proud to be so near this unusual and wonderful area. Let it be known that we highly endorse the new Superintendent and staff and we pledge our support and cooperation to this project.''

Little do they know, this bill is taking it all away.

The Baker Chamber of Commerce says: ''Our community is the gateway to the East Mojave Preserve. Our community has embraced the changes that the Preserve has brought. In accord appropriate funding for the East Mojave Preserve would be duly appreciated.''

The Los Angeles Times, San Jose Mercury News, San Diego Union Tribune, and the San Francisco Chronicle have all called on the President to veto the Interior appropriations bill because of its attack on the East Mojave.

Let me read just a few of the editorial headlines.

The San Diego Union Tribune, December 3: ''Starved for funds; Congressman victimizes Mojave Preserve.''

San Bernardino Sun, a paper in the area, November 18: ''Lewis Confuses Park Issue with Flap Over Sheep.''

San Francisco Chronicle, November 17: ''While they are at it, they should strip all environmental riders, including the defunding of the Mojave National Preserve in California.''

San Jose Mercury News, September 25: ''Moan on the range; Republicans Resume the Destruction of Public Lands.'' ''In an insult to California, the bill, this time, appropriated $1 for the management of the new Mojave National Preserve, a way of undoing congressional establishment of the park last year.''

Nobody should think it is anything other than just that.

Los Angeles Times, Friday, September 22: ''Clinton Should Reject Sabotage of Desert Act; he needs California and California needs protective law.''

San Diego Union, again: ''Desert Mischief; Veto the Interior Appropriations Bill.''

San Francisco Chronicle, again: ''Veto the Environmental Wrecking Legislation.''

If it counts for anything at all, these are the views of the people of California. Eighty-four percent of the people support the Mojave National Preserve. The chambers of commerce of the small communities right in the area support the funding of the Mojave Preserve. Every major newspaper in the State supports the funding of the Mojave Preserve. Yet, today, we have a bill before us that completely undoes the intent of the last Congress to create what is a beautiful national park and what is a prime and beautiful desert area.

The BLM is neither capable nor mandated to manage the Mojave National Preserve. As I say, even with a budget of $1.7 billion, three times the $599,000 the conference has now given to the BLM, the BLM did not adequately manage this 1.4-million-acre area.

Without adequate funding for management of the Mojave, not only park visitors but those who live and work in the region will suffer. According to the National Park Service, permits for grazing improvements will not be processed and issued. Requests for rights-of-way will not be processed and approved. Mining plans of operation will not be processed and approved. Search and rescue and emergency medical services will be dangerously underfunded. Trash collection, restroom maintenance, and any hazardous spill cleanup will be cut back or eliminated. The visitors center and camp grounds may be closed. Park resources will receive minimal protection, like protection to Indian hieroglyphics on canyon walls, like protection to the 900 species of flora and fauna.

It limits the funding for development of a comprehensive management plan to $500,000, far less than what it typically costs to develop a plan for a new national park. It limits the amount of time the Park Service has to develop the management plan. The California Desert Protection Act required a 3-year planning process and provided for extensive public participation. That is what the community wanted. If the Park Service is to satisfy the conferees' conditions for taking over management of the Mojave next year, that is completing the management plan, the agency will have to expedite the process and limit public participation. That is directly contrary to the intent of the Desert Protection Act. The act specifically mandated an inclusive planning process to ensure consideration of the views of the landowners, the ranchers, local government, and others.

This language is unprecedented. Never before has Congress required the National Park Service to develop a comprehensive plan before it can manage a new park. No one can tell me this is not just to kill the action taken by a majority. Let me say I would never do this to any Member or to any project that was approved by Congress—stand in front of it and say, all right, after 8 years, more than a dozen hearings, this is authorized, but we are going to kill it because we are not going to fund it.

Some have suggested that the National Park Service has not adequately ensured the continuation of human uses and has jeopardized wildlife recovery efforts. This is a complete misrepresentation of the Park Service's record in the Mojave.

Let me set the record straight. The Park Service has been doing a good job of managing the Mojave. In the last year, the Park Service has improved visitors' services. It has opened a visitors center in Baker. It has improved law enforcement; it has helped curtail illegal activities such as closing down two drug labs in the desert that were operating in the area. The Park Service has improved resource protection. Visitation to the area has increased significantly, bringing additional businesses to the surrounding communities.

As the Las Vegas Review Journal reported last month, Little Nipton, a small community, has not seen so much activity since its heyday in the early years of the century. Nipton is one of the entry points to the new Mojave National Preserve. Gerald Freeman, the owner of the Hotel Nipton, reports:

> Since the National Park Service has taken over management jurisdiction, both the volume and quality of visitation is up. For example, the Hotel Nipton occupancy is up between 80 and 100 percent a year. In contrast to what I would call a condescending, indifferent presence of the Bureau of Land Management over the last 35 years, the National Park Service seems genuinely concerned with the welfare of the region. They appear to me—and others out here—to be a comforting and constructive presence. I urge you to support the National Park Service in its mission in the Mojave National Preserve and to do everything to ensure adequate funding is available to maintain the viability of their presence. I am convinced the rewards will be of great and lasting benefit to the region including a strong and vibrant business all around; greatly improving job opportunities for locals and others moving into the area; a major upgrade in the perception of the Mojave in the world at large; thus establishing a major source of pride and revenue for San Bernardino County and the State of California.

I cannot understand—we have three major chambers of commerce. We have people writing in, saying visitation has gone up, it is better than it was. Two drug labs have been closed. Yet because of the pique of some on the House Appropriations Committee, we defund it. I cannot understand this.

This is not just and fair public policy, particularly when we have 84 percent of the people of the State in support of keeping the Mojave a national park according to a poll done as recently as last week. I hazard a guess that there is probably no new park in America that would get that kind of public support and yet have this body and the other body defund it in its first year of operation. It is bizarre. I do not understand.

Let me give another example, the small little restaurant called the Bun Boy in Baker. Owner Willis Heron writes:

> I have lived in and been in business in Baker, CA for over 40 years. I write to express my strong support to fully fund the National Park Service. Not adequately funding the National Park Service is a disservice to the thousands of people living in the towns of Baker, Barstow, Needles, and Nipton and to the County of San Bernardino. The preserve and the local communities will suffer if the proper funding is withheld.

Again, I cannot understand it. The support is there. Roxanne Lang, a resident of Nipton says:

> The National Park Service has done more for our local area in the last nine months without much funding than the BLM did in ten years I have been here. The National Park Service has managed to eliminate some undesirables—i.e. drug dealers—come into our schools and educate the children living in the desert about the environment; and give locals a generally good feeling that we have protection.

This body defunds it. I do not understand it. The Overson family, the largest private property owner and ranchers in the preserve, also report that management is much improved under the Park Service. Let me read their statement:

> In the past 7 years under the Bureau of Land Management, crucial water replacement projects, pipelines, tanks, and troughs, have been put on hold. It has come to the point of having to get an attorney to sue the BLM to do the environmental assessments on the projects before funding will be allocated. Since the National Park Service took over management of the desert, many changes are apparent. We have been able to work with management for a yes or no answer. Projects are being worked on.
>
> The effects of the rangers are also apparent. They have wrote numerous speeding tickets, deterred drunk drivers, closed an illegal drug lab, and have policed this isolated area. Because of these reasons, we feel we would be better off under Park Service management.

That is from the largest property owner in the Mojave Preserve, and this bill defunds it. I do not understand it.

Mr. President, Congress established the national preserve. There was already a concession to the opposition who wanted a national preserve with hunting. They got their national preserve with hunting, but under the Park Service so the environmental protections could be provided.

Guess what they did? They then turned around and defunded it—something that has 84 percent support throughout the entire State of California after the first year in operation. It is absolutely bizarre.

I have spoken to the administration. I am convinced they will veto this bill, and one of the reasons they will veto this bill is this kind of subrogation of the will of Congress.

It is selfish, it is vain, it is wrong, it is not good policy, and it should not happen.

I thank the President. I yield the floor.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I listened carefully to the words of the Senator from California, and I must say I have some sympathy for her position on this issue and understand how she is upset. She mentioned that she was concerned about the preservation of Indian hieroglyphics in the park there, and I also have a lot of knowledge of native American issues. I understand that.

I wish that the Senator from California had voted to restore some of the funding for live Indians, the live Indians which Senator DOMENICI, Senator INOUYE, and myself tried to restore. We tried to restore some of the draconian cuts that were made.

Native Americans are deeply concerned about preserving hieroglyphics. But they are also concerned about preserving their ability to manage their land, child welfare and family services, et cetera.

I do not mean it as a criticism of the Senator from California. I must say from listening to her somewhat emotional remarks, I hope that we can sit down and get some kind of better treatment of what is obviously a very important cultural and environmental area in the State of California.

Mrs. FEINSTEIN. I thank the Senator.

Mr. MCCAIN. Mr. President, I rise to express my deep disappointment with how little funding was restored by the conferees to native American programs in H.R. 1977, the fiscal year 1996 appropriations bill for Interior and related agencies.

During our consideration of the bill in August, the Senate rejected a Domenici-McCain-Inouye amendment to restore $200 million to address what I believed was a draconian cut in funding for tribal governments. I say ''draconian'' because I know no other word to describe a cut that would have reduced last year's tribal funding by more than 25 percent. I withheld from offering further floor amendments after the chairman of the Interior Appropriations Subcommittee assured me on the floor of this Senate that he would support significant restorations to these tribal accounts in conference.

Mr. President, we now have before us the results of the conference committee's action. While I appreciate the sincere efforts of the members of the conference committee, I do not consider the amounts restored to tribal accounts significant enough. The conference bill maintains disproportionately deep cuts in critical funding needed for essential services on Indian Reservations. I believe the funding priorities reflected in this bill breach our

Nation's treaty obligations to tribal governments.

The conference bill provides $654 million for tribal priority allocations, nearly a 9½-percent cut from the fiscal year 1995 funding level of $722 million. This nine and one-half percent reduction will gut basic tribal government operations on Reservations, where the spending priorities are set by tribally elected officials, not Federal bureaucrats or Members of Congress who are far removed from reservation realities. Let me be clear—the tribal funds slashed by 9½-percent under this bill are under the direct control of tribal governments, not Federal bureaucrats. These cuts will not reduce the Federal bureaucracy. They will, however, sharply reduce tribal services and employment on Indian reservations.

Tribes have used these funds to deliver critically needed services to Reservation residents, such as criminal law enforcement and public safety efforts, elderly housing improvement and repair, child abuse protection and intervention services, adult vocational training, natural resource protection, child welfare and family services, land management, reservation road maintenance, administrative support activities, and other essential tribal government programs and operations. Tribal governments spend these funds on social workers, police officers, teachers, jailers, bookkeepers, and auditors. They make emergency home repairs. They fight fires. They clear and maintain roadways. They patrol land and water to deter poaching and to protect natural resources. Tribes rely on these funds to meet basic governmental obligations to their citizens.

In addition to the elimination of many essential services, these cuts will cause many reservation jobs to disappear. Since many reservations are in remote and impoverished locations with unemployment rates 10 to 20 times the national rate, tribal governments typically are the largest, and often the only, employers in Indian Country. Consequently, the 9½-percent cut in tribal funding from fiscal year 1995 levels will cause great hardship for many Indian households whose breadwinners will have no choice other than to move away from their reservation communities to seek employment.

Mr. President, the American people have spoken—they don't want new taxes, they don't want the Federal Government to grow, and they don't want deficit spending today that will make their children, and their children's children, pay and pay for years to come. I stand with those of us in the Senate who say enough is enough, that Federal funding must be reduced, not just restrained.

My problem with the Interior spending bill is not with its overall reductions. My problem is with how the conferees set their priorities within the overall reductions. Earlier this year I asked the Congressional Research Service to analyze Federal spending trends on programs for American Indians and Alaska Natives over the past 20 years, and compare it to Federal spending for other Americans. The CRS found a steadily growing gap between what the Federal Government spends on Indians and non-Indians that began to widen in 1985. Since 1985, per capita Federal spending for Indians has fallen far behind per capita Federal spending on non-Indians. I am convinced there are many accounts in the Interior bill which are significantly lower national priorities than these tribal programs. Funding for these lesser priorities should have been reduced or eliminated in order to protect Indian funding.

My position on this is consistent with the Budget Resolution, which recommended to the Appropriations Committees that Indian program funding be held at 1995 levels and that the necessary reductions in budget authority be taken from other accounts. The conference committee chose to disregard these priorities and instead made Indian programs within the Interior Department bear a strikingly disproportionate share of the cuts.

Mr. President, many years ago, our predecessors in the U.S. Senate ratified treaties made with tribal governments in exchange for land and peace. The U.S. Constitution calls these treaties the highest law of our land. Neither the passage of time nor the changing of the guard has eroded our legal obligations as a Nation towards Native Americans. In my view, H.R. 1977 turns our national priorities upside-down, and places a stain on our national honor.

Accordingly, I urge my colleagues to join me in voting against adoption of H.R. 1977, as proposed by the conference committee, because it seriously shortchanges Indian tribes and violates our Nation's treaty obligations to Native Americans.

Mr. President, traditionally the Interior appropriations bill has been loaded with ear marks. Although this year's bill represents an improvement over past year's bills, it still contains many items that raise questions.

I want to state that these questions should not be interpreted in any way as to call into question the integrity of the bill's managers. I know they have worked hard and deserve much credit for the work they have done. But as I have routinely stated on the floor of the Senate, when earmarks and other specific provisions that have never been considered by either the full House or Senate are added to bills in conference then my right as a Senator to amend those provisions is denied me. That is wrong. The people of Arizona expect me to act to prevent their hard-earned tax dollars from being sent to Washington and then squandered on projects that have never seen the light of day. That is why I raise these issues.

First, let me note my strong concern regarding this legislation's treatment of native Americans.

I also want to raise some other issues I would hope the managers would elaborate on.

Amendment No. 2 in the conference report contains the following earmark:

''Of which $2,000,000 shall be available for assessment of the mineral potential of public lands in Alaska pursuant to P.L. 96–487 . . .''

Perhaps the Senator from Washington could explain the necessity for this provision being added in conference?

I would like to know why is this provision being added in conference having not been considered by either body in an amendable form?

Is there any reason this provision could not wait to be added to some authorizing language?

I say to the Senator from Washington that it is terribly aggravating to those of us who represent the citizens of our State who find these provisions added in a conference report because they are not amendable, nor do we have the opportunity to vote up or down.

Amendment No. 47 is particularly interesting. The House language originally was one sentence:

''For expenses necessary for the orderly closure of the Bureau of Mines, $87,000,000.''

The Senate struck that language and added a paragraph with more specifics.

However, the conference report now contains a long list of specific provisions detailing office closures and transfers in specific cities and locations. I am very concerned about these new details, added behind closed door, that I am now expected to vote on. The language notes certain office in Pennsylvania and Oregon.

I would like the managers of this bill to explain the meaning and purpose of this large amendment.

Amendment No. 84 deals with the Presidio. It is my understanding that this historic old Army base has been ordered closed as a result of the BRAC process. However, this bill contains language appropriating funds to keep this facility, or at least parts of this facility open. The committee also notes that separate legislation detailing the future of the Presidio may be considered by the Congress later this or next year.

Based on that fact, why are we appropriating funds for the Presidio at this time?

I am very concerned about the creation of the Presidio trust fund. In Arizona we closed Williams Air Force Base. We have not—nor do I think there will ever be created—a Williams trust fund. This is an issue that deserves much consideration and debate. I would hope that we would not be paving the road for the creation of the trust fund in this bill.

Therefore, I want to ask the question, if such funds must be appropriated, should they not be subject to authorization or to passage of the Presidio trust fund bill?

I also have questions regarding amendments Nos. 101 and 104. These

amendments apparently place an across-the-board prohibition on the Forest Service. After the bill mandates this sweeping prohibition, it contains one specific exception to this new rule. The language added in conference states, ''* * * other than the Regional Office for Region 5 for the Forest Service, from San Francisco to excess military property at Mare Island, Vallejo, California.'' Perhaps the managers can explain this unique exception.

I think, if I could seek the answers to those questions from the manager of the bill, I might have a better understanding of this conference report.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, the Senator from Arizona has raised legitimate questions about several of these amendments. I will prepare answers to them—we have two other Members waiting to speak—and try to answer them properly after those two Members have had their opportunity.

Mr. MCCAIN. Mr. President, I thank the Senator from Washington. I do believe this bill is a significant improvement. I do not believe there is a great deal of the traditional earmarks and add-ons in conference. I wish there were none.

I realize the Senator from Washington and the ranking member have very difficult decisions to make and that there are enormous pressures on them in certain areas to sometimes clean up certain aspects of the legislation that has not been brought up at the proper time. But I would like, as I say for the benefit of my friend from Washington—amendment No. 2, which is $2 million available for assessments of mineral potential of public lands in Alaska; amendment No. 47, all of the long list of specific provisions which are associated with the closure of the Bureau of Mines; amendment No. 84, about the Presidio; and amendments Nos. 101 and 104, which place across-the-board prohibition on the Forest Service, and then there is one specific exception.

I thank my colleague from the State of Washington. I understand it may take some time. Since this is a very large piece of legislation, it may take some time to adequately address those concerns.

Again, I congratulate the Senator from Washington on doing a very sincere and difficult job.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Nevada.

Mr. REID. Mr. President, I ask unanimous consent I be yielded such time as I may consume from that of Senator BUMPERS, who controls time on this side.

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

Mr. REID. Mr. President, I say to my friend, the Senator from Missouri, the reason I stood before him is because we had a Democrat, Senator FEINSTEIN, and then traditionally we are going back and forth. So I waited for Senator MCCAIN. That is the traditional way we have done things for the last few days. I assume we would go back to a Republican next.

Mr. President, I first want to say about the two managers of this bill, the senior Senator from Washington and the senior Senator from West Virginia, I have worked with them on this bill and other matters over the years. I have found them both to be the best.

Senator BYRD's history, of course, is replete with his knowledge of procedures. Of course this bill is a bill that he has managed for many years. But let me just say about the senior Senator from Washington, the manager of the bill this year, he has spent a great deal of time on this legislation. He has had tremendous difficulties. I participated with him, trying to work out some of the differences. We have had the bill before the Senate, or the conference report, three times, as I understand it. So, I recognize the problems the manager has had, how hard it has been. It is not a perfect bill. I recognize that. My criticism of the legislation does not go to the managers of the bill but, rather, to the content of the legislation and the fact, in these times of very strict budget constraints, sometimes we disagree with the priorities.

Having said that, I say this bill is extremely important to the State of Nevada. The U.S. Geological Survey, the Bureau of Indian Affairs, the Bureau of Land Management—there are many important aspects of this legislation that have a direct impact on the State of Nevada. I am not going to spend a lot of time today talking about the things about which I just spoke, even though, with the Park Service, the busiest entity in the entire Park Service is the Lake Mead Recreational Area. Last year, there were almost 10 million visitors to that very fragile facility. It is an example of where we are not really taking care of our parks in this country. Lake Mead needs tremendous renovation because of the massive numbers of people who use that facility. The people who use Lake Mead do not use it just during the daylight hours. It is a 24-hour recreation facility. Because of the shift work that takes place throughout southern Nevada, people are coming on that facility all times of the day and night. It needs a lot of work. That money, that would lead to the work being done, the renovations being done, improvements being done on that recreation area, is not in this bill.

I do not criticize anyone in particular, other than to say that our park system is really in a bad state of repair. It is no better illustrated than the Lake Mead Recreation Area.

Today I am going to spend my time talking about a part of this bill that I think is really disturbing, and that is the Endangered Species Act and how it is dealt with. First of all, this conference report does not adequately provide funding for effective implementation of the Endangered Species Act. That is important because, whether you are a proponent of the Endangered Species Act or whether you believe the act should not be in existence, the fact of the matter is that if it is inadequately funded it does not work for anyone.

Second, this conference report maintains the moratorium on listing of threatened and endangered species. I object to these provisions. I do it, not to be an obstructionist, but to enable the Fish and Wildlife Service in preserving and protecting species that are in a state of imminent extinction. In sum, the Fish and Wildlife Service must be able to carry out the noble goals of saving species from extinction.

I am a ranking member of the authorizing committee that will, hopefully next year, participate in reauthorizing the Endangered Species Act. I have worked with the junior Senator from the State of Idaho in coming up with legislation. He has introduced a bill that I do not support, but I am confident that we can come up with legislation that meets the goals of both of us. If we cannot, I will introduce a bill sometime next spring, and, hopefully in the near future, we will be able to stand in this Chamber and work out our difference. We need to reauthorize the Endangered Species Act.

What is taking place in this legislation, in this conference report, is not the appropriate way to do business. I remind this body, as a significant number of witnesses pointed out before our committee, extinction is irrevocable. Extinction is forever. It is important that we understand that these are not problems that we can go back and deal with later. Once there is an extinction it is over with. It is over with for good. To deny the Department of Interior the funds needed to ensure good science is to invoke a self-fulfilling prophecy of the failure of this act.

Extinction cannot be altered. We cannot have second thoughts. It is permanent. That permanence should weigh heavily when we consider our priorities.

We must make no mistake about it, our priorities are reflected in this budget, and I say respectfully that our priorities in regard to this act are skewed. I acknowledge that there are some real problems with the Endangered Species Act in its current state. We need to reauthorize the act, we need to change it, we need to make sure there is the ability for consultation with State and local government and with the private sector. We have to make sure there are exemptions for small property owners. We have to make sure that there are incentives for people complying with the Endangered Species Act. Those things are not in the act at this time. We have to put them in the act.

But to simply defund it, or fund it inadequately and to place a moratorium on listings, is not the way to do business.

I acknowledge, I repeat, the problems with the Endangered Species Act. I talked about some of them. These problems we have talked about at long length before the authorizing committee, and they are going to be addressed in the substantive legislation when it comes to this body and it is debated here on the floor.

That is why, Mr. President, a moratorium on listing species is wrong. The moratorium removes flexibility of the Secretary of the Interior. It delays action when action is critical. This moratorium in this conference report does, in fact, jeopardize the existence of species.

In this conference report, I think that we find a lot of impatience for substantive, reasonable, and prudent reform. We should be patient. We should recognize that this bill needs to be reauthorized. The moratorium would, regretfully, in my estimation, remain in effect despite the lack of logic, despite the damaging effects, and despite the fact the committees of jurisdiction have and will continue to address issues of concern.

The proponents of the Endangered Species Act reform argued for better science throughout the process of specie preservation. I ask, how is better science provided for if the funding is not provided for? Many who argue for reform of the Endangered Species Act assert the need to do more than just list a species, but also to declassify and delist species. Let us make sure the agency has the ability to do that, and they only have the ability to do that if there is sufficient funding.

But then what is the effect of failing to fund the act at an effective level? Mr. President, one of the effects of insufficient funding would be a decline of the medicinal research and humanitarian purposes that have benefited from the preservation and study of species and plants. Indeed, there is a great hope, hope of thousands of people who are fighting diseases that are anchored in the search for cures within the ecosystems and plant life that today may be on the verge of extinction.

More than 40 percent of prescriptions filled in our country, in the United States, each year derive from plants, animals, and microbes. These include medicines to fight cancers, infections, contagious disease, heart disease, childhood leukemia, to name just a few.

There is a lot of fun made of the Endangered Species Act. Why do we worry about this animal or that plant? The reason we worry about them is, I repeat, 40 percent of the prescriptions filled in our country are derived from plants, animals, and microbes.

Take, for example, the rosy periwinkle. It sounds funny, does it not, rosy periwinkle? In this little plant, two compounds were found that have proved successful in treating Hodgkin's disease and childhood leukemia.

As far as childhood leukemia, it cures childhood leukemia except in rare cases. When the Presiding Officer and I were children, teenagers, young adults, children who got leukemia died. It is not that way anymore. Parents who have little children who have childhood leukemia are cured. Why? Because of something called the rosy periwinkle.

There is also a pupfish, an imperiled desert vertebrate, residing in isolated hot springs in the Southwest part of this country. The pupfish can survive in very high salt concentrations, and this ability is being studied as we speak by researchers in hopes of developing new treatments for kidney disease.

This pupfish is extinct in many places. There are a variety of pupfish. In the State of Nevada, we have an agricultural area that grew cotton. Because of the pupfish, the water that supplied the cotton was curtailed, and that area is no longer a cotton farming area. That is the sacrifice that was made for this little fish that will, all scientists say, lead to some dramatic changes in the way we treat renal failure.

We do not know every plant and animal that exists and, consequently, we do not know every cure, remedy, and healing that may exist for our benefit.

I am not going to take the time of this body. There are Senators wishing to speak on this floor. I could list plant after plant that leads to helping relieve the pain and misery of disease and, in many instances, cures disease. Of the 220,000 worldwide types of plants, only 5,000 have been examined for medicinal compounds. We know, as a result of an article within the past year in the Wall Street Journal that talked about some of these plants that were deemed to be worthless, how they have brought about dramatic improvements in the way we treat disease.

The black bear, which is a threatened bear in many parts of the United States, are now being studied because scientists believe they have found definitive and definite clues to the prevention of osteoporosis. How? The bear loses no bone mass during its 5- to 6-month hibernation period, and scientists are wondering why. They are now beginning to find out why.

What cures are we willing to risk losing with lack of funding of the Endangered Species Act? I do not think we should be willing to risk the loss of any cures. Recently, the American Society of Microbiology called for increased research in potential medicinal plants and other species, which takes on an urgency as known diseases grow resistant to known antibiotics.

How can we justify underfunding such a vital work of preserving species? I know there are problems with the Endangered Species Act. I say that on this floor for the second time today. I know that we have to reauthorize it and make some changes in the way the act has been administered. But I tell each of my colleagues, we must trust the legislative process of reauthorization and reform and fully fund the Endangered Species Act. It is not happening in this conference report, and that is too bad.

We ensure for ourselves the need for more emergency saving efforts. This is a small price to pay when it comes to protecting and preserving species faced with imminent extinction.

I repeat, I recognize the difficulty of this legislation arriving at the point where it is. I again extend my congratulations and applause to the managers of this legislation, the senior Senator from the State of Washington and the senior Senator from the State of West Virginia. But I really feel that this conference report is lacking in a number of different ways, not the least of which is the problem with the Endangered Species Act.

The PRESIDING OFFICER. Who yields time?

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I ask unanimous consent that I be permitted to proceed for 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator is recognized to speak for 10 minutes as in morning business.

VA, HUD, AND INDEPENDENT AGENCIES APPROPRIATIONS BILL

Mr. BOND. Mr. President, the reason I asked for morning business at this time was to bring my colleagues up to date and those who are very much interested in the appropriations process, particularly as it regards the Environmental Protection Agency, VA, and HUD, and what is happening here.

We have had a bill that has been passed by the Senate, passed by the House, and a conference report passed by the House that is waiting here. We have not passed it because the administration has promised clearly and unequivocally to veto it.

There are several things that are going to happen today. First, the majority leader has scheduled the measure to be passed later on after this bill, perhaps in wrapup tonight, and second, there is a major media effort to mischaracterize, I believe, what is going on with respect to the environment.

Some of my colleagues may have seen an article in today's Washington Post: ''Temporary Reductions Halt 'Environmental Cop.' '' It relates to concerns expressed by EPA Administrator Carol Browner.

I am getting a little tired of the press conferences, press statements, and grandstanding from the White House regarding how the majority in the Congress is rolling back environmental protection and making deep cuts in the environment.

Ms. Browner is reported in the Post as saying, ''The environmental cop is not on the beat.'' She decries the fact

that the temporary budget reductions resulting from the current continuing resolution are causing a reduction in inspections. I agree with her. I would like to see a bill passed and signed into law.

Let me set the record straight. The EPA appropriations bill which passed the Senate earlier this year funded EPA's operating programs at the fiscal year 1995 level, and the conference report on VA–HUD and independent agencies provides a total funding level for EPA which is $48 million more than the Senate-passed bill, a reduction of only 4 percent below the postrescissions fiscal year 1995 funding level.

We have managed in a very, very tight budget to provide close to full funding for EPA at a time when constraints on discretionary spending are extraordinarily tight. This subcommittee received an allocation which was 12 percent below last year's level, yet we managed to hold EPA at close to current funding levels. Despite the rhetoric from downtown, this demonstrates, I believe, a Republican commitment to continue to improve the environment.

Now, I am the first to admit that the EPA has received some targeted budget cuts in the appropriations process but the reductions came from areas which the National Academy of Public Administration and others identified as being unnecessary, wasteful or duplicative. NAPA is a nonpartisan organization which was commissioned by my Democratic colleague and predecessor, Senator MIKULSKI, then chair of the committee, to undertake a report on reforming EPA 2 years ago.

In this bill and the conference report, we followed the NAPA recommendations presented to Congress almost a year ago to turn more responsibility over to the States that have developed an enormous capacity over the past 25 years to manage environmental programs, including inspections of facilities. According to NAPA, ''EPA should revise its approach to oversight, providing high performing States with grant flexibility, reduced oversight and greater autonomy.''

That is what we have tried to do for this appropriations bill, and we have included authority for EPA to begin issuing block grants for maximum flexibility. We have tried to focus on the areas of highest risk to human health and the environment and reduce those programs which do not get the most bang for the buck in terms of environmental protection.

But the administration and EPA, rather than spending time organizing press conferences and news events, should be following the recommendations of NAPA to get its own house in order. Despite EPA's claim to support NAPA's recommendations, we have seen little in terms of real change. And regarding today's article in the Post, let me point out to my colleagues that indeed EPA is operating under a constrained budget because of the continuing resolution, and I am fully prepared to send a bill to the President so they will not have to operate under a continuing resolution. The conference report on the EPA bill, that is, VA–HUD and independent agencies, would provide an increase of 11.5 percent over the current continuing resolution, yet the President wants to veto the bill. His agents have stated unequivocally that he will.

I have suggested to administration officials that I as chairman, the ranking member, Senator MIKULSKI, and our colleagues in similar positions in the House, are more than willing to sit down to find accommodations within the 602(b) allocation to negotiate a reasonable compromise.

Rather than negotiating with us, today I am told later on the Vice President will hold a press conference with Administrator Browner at a suburban Maryland wastewater treatment plant where they will continue to attack Republican reductions in environmental improvements. Rather than pointing to the successes achieved over the past years to improve our water quality, they will talk about how the budget will impair future water quality improvements.

Let me set the record straight, Mr. President. Funding for EPA wastewater treatment construction in this year's bill is $1.125 billion. In addition, the conference report stipulates that if legislation enacting a new drinking water State revolving fund is not authorized by June 1, 1996, an additional $500 million will be available for wastewater State revolving funds for a total of $1.625 billion.

Mr. President, this would represent an increase of about $400 million over last year's level.

Now, in the last 2 weeks or more, I have repeatedly requested of top administration officials that they tell us how they wish to reallocate spending within the 602(b) allocations. I have made that request among others to Administrator Browner, to CEQ director, Ms. McGinty, to OMB director Dr. Rivlin, to the Vice President himself. I put in a call to the President. Obviously, he has other things on his mind. But none of these people has responded.

As a result, it appears that when this bill goes down, if the President carries through on his threat to veto it, it will be vetoed and EPA will fall back to the level of the continuing resolution. The only word we have heard from the administration is they want to spend about $2 billion more.

The White House talks the language of reducing spending to balance the budget, but they do not have the music yet. They think the only way they can live is to spend more money. We have done the very best we can to establish priorities within the context of achieving a balanced budget in the year 2002.

I wish to say for the record that my ranking member, Senator MIKULSKI, has gone out of her way to be helpful, to work with us, to make as many accommodations and improvements in the bill as possible. She too has sought the involvement of the administration. And even though Senator MIKULSKI's top priority, national service, is not funded in this bill, other than for closedown, it cannot be funded unless and until the administration is willing to sit down with us and tell us where they wish to make cuts to generate the support to pass this bill in both Houses.

Senator MIKULSKI has been thoroughly cooperative throughout. I could not ask for anyone who has been more willing to put the needs of the environment, of veterans, of housing, of space, and other important agencies ahead of partisan bickering. It is with great regret that I tell my colleagues that we are likely to see the measure, which is scheduled for passage later on tonight, vetoed by the President because simply he wants to spend more money.

I make the point again for those interested in the environment that if the President were to sign this bill, or if the President were even to send his people to discuss with us how to make improvements to protect their priorities, we would be more than willing to negotiate with them. Absent any response—and there has been no response—this bill will be scheduled later on for passage this evening. I regret that we will not receive the funding for environmental actions that are included in this conference report if the President chooses to veto it. But make no mistake. If there is a reduction in funding for environmental efforts, it will be the President's decision. It will be the President's veto. He is going to get a bill that is very close to last year's funding, and it protects the top priority programs in EPA.

Mr. President, I yield the floor.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1996—CONFERENCE REPORT

The Senate continued with the consideration of the conference report.

The PRESIDING OFFICER. Who yields time?

Mr. BRADLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. BRADLEY. I will be very brief. I rise to speak in opposition to the conference report. I know there are others who want to speak, and I simply want to make a few points.

I think it will be vetoed. I think it should be vetoed. I think that it continues the process of watering down our efforts to protect the environment, and it in my view should be rejected.

There are three areas that I believe need our special attention. The first is that under the conference report the protection of fish, wildlife and plant species awaiting endangered species listing would be blocked for another year, even if the species is on the brink of extinction.

Mr. President, we have an Endangered Species Act in order to protect those species that are on the brink of extinction. If we delay listing year after year, we might as well not have a law. When you delay the implementation of this law, you do not have one at all. We cannot declare any species in that period of time as endangered and the damage may be permanent. This is of real concern in a number of areas, for example, the marbled murrelet. I also know that the Mount Graham squirrel is an important specie that is endangered and affected by this act. I am not sure that in the next year it is going to be all over for either one, but the general direction is clear. If we continue to prevent the law from functioning, we might as well not even have that law, which, of course, is the intention of some who will delay the implementation of the law.

Second, Mr. President, is the rider on alternative P to the Tongass National Forest timber plan in Alaska. The conference report locks into place, through fiscal year 1997, the timber requirements of alternative P, which is a 4-year-old discredited draft forest plan. Alternative P mandates a logging target approximately 44 percent higher than the average cutting level over the past decade. And it does so in an area where the largest number of jobs are in tourism and fishing and not in timber cutting and in an area where unemployment is very low compared to the national average.

Mr. President, I am very concerned about what we have done in this bill with regard to Tongass. I think that it allows for much more cutting than we had anticipated when we passed the 1990 Tongass Timber Reform Act. And it is another example of Congress' changing things for the worse after there has been an agreement because the votes are there to change those things. And I think, frankly, it will be one of the major reasons that the President will veto this bill.

Finally, Mr. President, there are a series of cuts in vital programs. This bill follows the pattern set in the VA-HUD appropriations bill which makes reductions in the Corps of Engineers wetland enforcement budget and forbids the EPA from enforcing wetlands law, which in my State of New Jersey is a tremendously important thing.

This bill repeals protection for the newly created Mojave National Park and halts scientific studies needed to protect critical species in the Columbia River basin.

It halts the Department of Energy's program to set energy appliance efficiency standards that have been developed jointly with the industry, which will save consumers a lot of money and reduce the U.S. dependence on foreign oil. One might say you can save more oil from increased conservation than you could from opening up the Arctic National Wildlife Refuge.

Mr. President, this bill has gotten better, but it still does not meet what I think are the highest possible standards. The President's statement on the report cites several additional shortcomings. For example, there is $50 million in funding restored for the Bureau of Indian Affairs and the Indian Health Service. This additional funding, however, falls short of levels needed to maintain these important programs.

While the Bureau of Indian Affairs' budget has been increased $25 million above the previous conference level, that would still leave the program $111 million short of the House mark and $159 million below fiscal year 1995 enacted levels.

The most significant effect of this action remains the crippling reductions targeted at tribal priority allocation programs which support essential tribal government, law enforcement, housing improvement, Indian child welfare, adult vocational training, road maintenance, and other basic reservation services.

I believe that this funding should be restored. It is not in the report. I think this will be another reason that the President will veto this proposal.

So, Mr. President, in conclusion, I think the report has gotten better, but it is not yet good enough. I urge my colleagues to reject the bill and the President to veto it because I do not think that the American people in 1994 voted for an attack on environmental problems. I believe we should not be delivering to the American people an antienvironmental Christmas present. I do not think they asked for it, and I do not think they will welcome it. I hope that the President will veto the bill.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER (Mr. KYL). The Senator from Arkansas.

Mr. BUMPERS. Mr. President, I yield myself such time as I may consume.

The PRESIDING OFFICER. The Senator is recognized.

Mr. BUMPERS. There are a lot of parts of this bill that I would like to address. I agree with the Senator from New Jersey that the bill is certainly better than it was in its original version. Thanks to the House of Representatives, who refused to accept it and voted overwhelmingly to recommit it to the conference, it has been improved.

To tell you the truth, Mr. President, I am so sick of making this speech I am about to make, I cannot tell you how tiresome it is, and yet until the Members of this body change their attitude about mining on public lands, until the President and the press finally penetrate the minds of the American people as to this, the greatest of all scams in the history of the Nation, I will come here every year, time after time, to make my argument again.

My mother used to have an expression, ''Everybody's business is nobody's business.'' And I cannot think of a better application of that saying than what we allow the biggest corporations in the world to pull off on us. It is just that it does not affect very many people.

There are about 10 to 12 States out West where the Federal Government has extensive landholdings and where people file mineral claims to mine gold, silver, platinum, palladium, whatever, off the Federal lands, and it is very important to the mining companies and it is important to those few States where it takes place. But because the other roughly 40 States do not have a dog in the fight, they feel free, Senators of those States feel free to vote however they chose in the certain knowledge that their constituents will never hold them accountable.

But let me recount the history of the issue of which I speak. In 1872, Ulysses Grant signed his name to the bill called the mining law of 1872. And the idea was we would permit people to go west and file claims on 20-acre parcels on the Federal lands there that the U.S. Government owned. Anybody could do it. And anybody can still do it. Just go out there and put four stakes down on a 20-acre tract, not just one, do a dozen if you want, two dozen, whatever you want. Just file claims on it. That started in 1872 as an incentive to get people to move west.

When I first became involved in this issue there were about 1,200,000 claims that had been filed. And they were required to either pay $100 a year to maintain the claim or to certify that they had done $100 worth of work on their claim.

Well, everybody simply sent in a certification that said, ''I did $100 worth of work.'' Meanwhile, they had no intention of mining it. Finally, in 1993, I was able to get a bill passed through here to require them to put up $100—not a certificate that they had done $100 worth of work, but pay $100 cash. The number of claims dropped from 1.2 million to the present, roughly, 330,000.

So we have these 330,000 claims out there. If you own one of those claims, what do you do next? If you are really serious about mining something, then you start digging around to see if that land has anything on it. Most of the time, Mr. President, the people who own these claims never lay a glove on them. Some mining company comes in and says, ''We will pay you so much to let us work this claim, and if we find anything there, we will give you a 5- or 10-percent override on everything we find.'' And, ordinarily, the person who owns the claim says, ''That is fine with me, you are a big mining company. If anybody can make this work, you can.'' The claimant gets a nice little override for having simply put down four stakes on a claim.

But once the mining company finds something, gold, silver, whatever, they go to the Bureau of Land Management and they file an application for a deed. Now, this is really the most egregious part of this whole law. You think about somebody going out and putting down stakes on Federal land that belongs to the taxpayers of this country, finding

gold on it, and going to the BLM over at the Department of Interior and saying, ''I want a deed to this land.'' Do you know what else? The Secretary of the Interior—if he can validate the claim that there is mineable hardrock minerals, has to give them a deed. It is not an option with him; he has to give them a deed. What do they pay for it? Either $2.50 an acre or $5.00 an acre—for billions of dollars' worth of gold, silver, platinum, and palladium. That is right, Mr. President. I am not making this up. I have made this speech every year for 7 years. The Secretary of the Interior has to deed billions of dollars' worth of minerals that belongs to the taxpayers of this country to some huge mining company for $2.50 an acre.

Now, the mining industry which promotes this scam recently felt some heat as the press has caught on to the issue. I can see the representatives from the mining industry all sitting around the table saying, ''What are we going to do? We cannot take this adverse publicity forever.'' And somebody says, ''I have a grand scheme. We will say that we will give the Government not $2.50 an acre, but we will pay them fair market value less the value of the minerals under the surface. That way, we can go home and tell the Chamber of Commerce if they raise the issue with us, if there is a townhall meeting and there are some of those people there who have been paying attention and want to know why we are giving billions of dollars away to the biggest corporations in the world, we will say that we will make them pay fair market value. That is where you cut it off. You do not say fair market value for the surface, which is $100 an acre. Just tell them it is fair market value.''

That is what the reconciliation bill says. If the bill were to become law, the mining companies would have to pay fair market value, which CBO says is $100 an acre, underneath which is billions of dollars' worth of gold, silver, platinum, and palladium, for which they pay nothing.

Mr. President, there are not two Senators in this body that know this. It costs the Government $250 an acre just to process patent applications. Think about that. Here they are going to pay fair market value of $100 an acre. They are going to pay $100 an acre for something that just the processing of the claim costs the taxpayers $250. So we lose $150 per acre right on the front end.

Mr. President, see this chart right here. ''Value for the interest in the land owned by the taxpayers exclusive of and without regard to the mineral deposits''—$2.50 an acre is the current price. The new price will go to $100 an acre. In exchange for that, the biggest corporations in the world, many of which are foreign-owned, take billions of dollars' worth of taxpayers' gold and silver off the land and go home with it.

When I first got into this, the price of gold was $330 an ounce; platinum was selling for less than $400 an ounce. The argument was made that ''If we have to pay a 3-percent royalty, we might be able to live with that, but some of our mines might have to shut down and all these people will be thrown out of work.''

Today, the price of gold is $390 an ounce, and platinum is $410 an ounce. And what do you think the same argument is? ''We will have to shut down and put all these poor people out of work.'' You know why I know personally? I am not a miner. Do you know why I know that is the most specious argument of all? Because they pay an average of a 5-percent-net smelter return royalty to people who own private lands and pay substantial royalties to States if they mine on State lands. It is only when they mine on Federal lands they are going to go broke.

On December 1, 2 weeks ago, Secretary Babbitt at the Department of the Interior gave ASARCO a deed for 349 acres in the Coronado National Forest in Arizona near Tucson. What do you think the taxpayers of this country got? First of all, that 349 acres has underneath it 2.9 billion dollars' worth of copper and silver. What do the taxpayers get?

A whopping $1,745. Do you know something else? The Washington Post and the New York Times did not have one word about it. Not one line. I guarantee not one person in this body saw a news story anywhere that 2 weeks ago the taxpayers got shafted for $3 billion. Three months before that, the Secretary of the Interior gave the Faxe Kalk Mine, a Danish corporation, a deed to 110 acres of public land in Idaho. What was under the 110 acres? Mr. President, $1 billion worth of travertine. What did the taxpayers get for their $1 billion? Mr. President, $275.

On May 16, 1994, the Secretary of the Interior gave Barrick Resources, a subsidiary of a Canadian corporation, a deed for 1,700 acres of land. What did it have under it? Mr. President, $11 billion worth of gold. What did the taxpayers get for their $11 billion?—$9,000. I give the press credit; they did cover that one.

Stillwater Mining Co. in Montana, 2 days after I almost got a moratorium put on the patenting process, filed a claim with the BLM for deeds to 2,036 acres. They filed for their patent in 1990. They got their first half certificate and the Secretary of the Interior will eventually be forced to give the Stillwater Mining Co. a deed for that 2,036 acres. What is under that? Mr. President, $44 billion worth of platinum and palladium—not my figures, their figures. Look at their prospectus. They are the ones who say there is 225 ounces of platinum and palladium on the land. We made the calculation. If that is correct, it is $44 billion worth of platinum and palladium. What did Uncle Sucker get?—$10,000.

We talk about balancing the budget; how are we going to finance Medicaid, education, the environment, and all the rest of it while we are giving away billions and billions of dollars' worth of resources that belong to the people of this country? There is not a Senator in this body that has not gone home when he faced reelection and said, ''If you elect me, I will balance the budget. I will treat your money as though it were mine. I will be tightfisted.'' You may be tightfisted with some poor, pregnant, teenage girl, or you may elect to make Medicaid a block grant program so some children get health care and others do not. But if things continue the way they are, you can rest assured those same people who are so concerned about that will continue to vote for this just as they have in the past. It is absolutely sickening. There is no other way to describe it.

This bill, thanks to the House of Representatives, contains a patent moratorium. Let me tell you about that. There are presently 608 patent applications pending over at the BLM. Of the 608, 373 of the applications already have their first half certificate so they can go ahead and get their deeds for $2.50 or $5 an acre. The rest of them, 235, are frozen, subject to future legislation.

But do you know what was in the reconciliation bill? A royalty. My staff came in and said, ''Senator So and So has put a royalty in the reconciliation bill—5 percent.'' Really? We started looking at it, and it is 5 percent of nothing after taking into account the deductions. When you look at the reconciliation bill and you see that whooping big 5 percent royalty, and you say 5 percent of what? and you start seeing what you will deduct before you levy a royalty, there is nothing left to levy a royalty on. What is worse, what is even more cynical, is every one of the 608 applications for patents would be exempt from the royalty forever. That is billions of dollars' worth of minerals. Who else is exempt? The 330,000 claims that are in existence.

So you cannot tax the lands for which patents have been applied and you cannot tax any future claims on any applications for patent on the 330,000 claims that are still existing. What do you wind up with? Less than $1 million per year. People say, ''I wonder why President Clinton vetoed that reconciliation bill.'' That was only one reason.

Mr. President, I am still grateful to the House even though we had to grandfather the 373 patent applications and will likely never get a dime out of it. It is a step in the right direction.

So, Mr. President, let me cover one other point. I have never understood why hard rock minerals get this exemption. We do not give it to anybody else.

When I first became involved in this issue, I could not believe it was as egregious as it turned out to be. It turned out to be much worse than I thought at first. At the time, people believed that somehow or other if you rubbed a quartz crystal a certain way it would cure your warts and whatever else ails

you. I did not know about it. But everybody else in America seemed to know that these quartz crystals, people were being told, had healing powers.

Do you know where the biggest quartz crystal deposit in the United States is? It is in the Ouachita National Forest in Arkansas. People were down there with picks and shovels tearing the forest up.

I went to Senator McClure, who was at that time vitally interested in the subject. I said, ''Do you mind if I pass a bill eliminating quartz crystals from the 1872 mining law?'' He said, ''No, I don't care.'' So I did, and in about a week's time. That is the fastest I have ever gotten anything done here since I have been here.

Every year we get a few thousand dollars in Arkansas as a royalty. I forget how much we charge on this. But we get a royalty on all of the quartz crystals taken off, and it goes to the Federal Treasury. I take full credit for that. If I could have gotten this whole thing taken care of by then we would not have nearly as much trouble today balancing the budget as we have.

Why do we charge coal miners 12½ percent for all the coal they mine off Federal lands? And if you go underground to mine coal on Federal lands, you have to pay an 8 percent royalty. If you take natural gas off Federal lands, you pay a 12½ percent royalty. And if you take oil off Federal lands, you pay a 12½ percent royalty. But, if you take gold, silver, or platinum, or any other hardrock mineral, you pay nothing.

If I were the oil industry, I would be up in arms about this because when they go out and drill an oil well they do not know whether they are going to hit anything or not.

Mr. President, I come to the end of this little speech saying I am going to vote against the bill even though I must confess the distinguished chairman of the committee, who I know had a very difficult time, did a tremendous job. I tried to pass an amendment in the conference 2 days ago to put a 1.5 percent royalty on mining on Federal lands and to give half of the money to the Bureau of Indian Affairs. Many of the western Senators, who have a lot of Indians in their States, have convinced me that the Indians are really getting savaged under this balanced budget thing. Even the President has allowed that the Bureau of Indian Affairs is getting shortchanged. I thought a 1.5 percent royalty on this with half of it going to the Bureau of Indian Affairs might attract some people who have shed tears on this floor about the plight of the poor native Americans—not one Republican vote; 8 to 6 on a straight party-line vote.

What else is in this bill? I wanted to give the BLM 10 years to process the 373 patent applications that were grandfathered by bill. However, the Republicans—particularly the western Senators—were not having any of that.

Let me tell you something, Mr. President. If we have 373 claims that the first half certificate has been issued on, and this bill says that the BLM will process those claims within 5 years, do you know what that means? That means that about 75 claims a year will have to be processed. Do you know what else it means, Mr. President? That is an abject utter impossibility. Do you know the highest number of applications that have ever been processed in the history of the world in the BLM? Thirty-eight. Do you know who the Secretary of Interior was? James Watt. The man the environmentalists loved to hate more than anybody else.

Do you know what the average has been over the past 10 years? Mr. President, 25.7 claims a year.

So why do we have a provision in here saying you have to do 75 a year? It is utterly impossible. Why do we do that? I will tell you why they want to do it. Because, if there is ever a change in the makeup of this body, this nonsense is coming to a halt, and they want to get their deed before that happens. That is exactly why they want it all done in 5 years.

I offered an amendment to say why do not we at least make these mining companies, who are worth billions, pay the charges the Government incurs to process their application, which is $250 an acre? If you are going to give them a deed for $5 an acre, surely they would be charitable enough to pay $250 to the taxpayers that they are putting out—8 to 6 vote; the same thing.

Mr. President, I do not know how it will all turn out. But I can tell you one thing. The Bureau of Land Management will not, and cannot, process 75 claims a year when the 10-year average has been 25.7 claims.

Mr. President, there has been an awful lot written and said about lobby reform. The ethics manual of the U.S. Senate just gets thicker and thicker. The first thing you know you will not be able to drive home. You will have to take a bus at the rate we deal with that around here. I do not have any quarrel with that. I do not care what the ethics requirements of this body are as long as I know what they are. That is all most Senators ask for. I do not care whether the value of the gift can be zero, $20, or $100 as long as I know and understand the rules that we are supposed to live by. But having said that, that is not the problem. The problem is the money that flows into campaigns. You tell me I cannot allow a lobbyist to buy my lunch but he can hand me a $5,000 check at lunch? What kind of palpable nonsense is that?

I am telling you, campaign financing is what drives this body. That is one of the reasons we have not been able to deal with the reform of the 1872 mining law.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, I thank my distinguished colleague from Arkansas for one incidental admission during this long speech which he has given on the floor on mining patent claims, and that admission was that is not a part of this bill. It is a subject that is not entrusted to the subcommittee which I chair, or to a debate over this bill. In fact, it is a subject that is entrusted to a committee on which the Senator from Arkansas serves, in which he was on this subcommittee in the last Congress, when the political composition of this body was different than it is now, and when no bill on mining claims or patents appeared or was debated on this floor.

But I think I particularly regret, in connection with the remarks of the Senator from Arkansas, his statement that he intends to vote against the bill. As I reported earlier, this bill was passed by the Senate earlier this year in its original form by a vote of 92 to 6. The Senator from Arkansas voted for it. The mining patent provisions were less favorable to his position then than they are now.

He has pointed out that the House moratorium on new claims, which was not included in the Senate bill, is now found in this bill with the sole exception of those claims which Congress cannot constitutionally terminate without compensating the claimants under the fifth amendment. The only claims that will be processed are those so-called grandfathered claims, and someday, whether it is 2 years or 5 years or 10 years, they will all be disposed of. At that point, unless the Congress passes a significant reform in its mining patent laws, there will not be any new claims subject to these provisions.

So I hope the Senator from Arkansas will reconsider and will support a bill which does not move as far in his direction as he would like but which does move further in the direction of the policies he advocates than did the bill he voted for just a few months ago.

That, I think, illustrates a larger point. Whatever the merits of the argument of the Senator from Arkansas, and, obviously, to toss about figures in the tens of billions of dollars as if this were the potential profits in mining—it would be overwhelmingly the most profitable business in the United States—of those billions of dollars, something between 90 and 99 percent, of course, will be paid to the people who work to separate these minerals from the ground in which they are found, which is a very expensive proposition.

While I am far from being an expert in this business, I do not find it to be a business in the United States which operates at a profit any larger than any other business. Its costs are high. Those costs are, generally speaking, paid out in the form of wages to people who are citizens of the United States. And that, of course, is the reason that Senators and Members of the House of Representatives from States in which these mineral deposits are located favor the continuation of a policy which at least sees to it that there is

some mining industry in the United States, declining though it may be.

Personally, I think we ought to reform these laws in such fashion that the people of the United States do reap some portion of the profit from minerals taken from their lands. But many feel that if we adopted the position of the Senator from Arkansas, there simply would not be any mining so there would be no value, no profit, and no jobs, no nothing. That is an appropriate debate, and it is appropriate for the Senator from Arkansas to state his position, just as it would be for the now Presiding Officer to state his, representing a State with many mines, but it is not a debate we are having here today. It has practically nothing to do with an appropriations bill for the Department of the Interior.

So I wish to pass on to other comments which have been made during the course of this debate since I last spoke, that do relate directly to this bill. In that connection, with neither the Senator from Arizona nor the Senator from Nevada being here, I would like to share one of the interesting paradoxes, sometimes frustrations, of dealing with a bill of this sort.

My friend and colleague from Arizona objected that there are items in this bill which have not been subject to debate in authorizing committees, that are unauthorized expenditures, or expenditures for unauthorized matters. My friend, the Senator from Nevada, objected to the fact that there is a moratorium on listings under the Endangered Species Act when no such appropriations are authorized. Authorizations for the enforcement of the Endangered Species Act ran out several years ago. Technically speaking, any money appropriated to enforce the Endangered Species Act is subject to a point of order on the floor here because the act has not been reauthorized.

The Senator from Nevada is the ranking minority member of the very subcommittee that deals with that subject, and the moratorium expires, by its own terms, on the day that the act is reauthorized. So he has it, at least partly, in his power to see to it that moratorium is terminated.

There is a serious group of Senators—not a majority but a significant group of Senators, as there are Members of the House —who do not believe that we should appropriate for any unauthorized project at all. I think the senior Senator from Arizona falls into that category, both by the remarks he made here somewhat earlier and by other quite similar questions that he has raised about new items being included in conference committee reports that were not included in the bill that passed either the House or the Senate together with appropriations for unauthorized projects.

I think I can say the Senator from Arizona has found fewer questions to ask in that connection of this Senator than he has of any other who is managing an appropriations bill on this floor, and I believe that I now have answers, which I will state for the RECORD and for him or for his staff, if they are listening, and which I hope will satisfy each one of the questions that he has raised.

He raised questions concerning amendments Nos. 2, 47, 84, 101, and 104, dealt with in the conference committee report.

Amendments Nos. 2 and 47 go together. The House appropriations bill on this subject appropriated $87 million for the complete termination of the Bureau of Mines as one of those entities which, according to the House, was simply to be ended. The Senate did not agree with that position and appropriated considerably more, $128 million, for the continued operation of the Bureau of Mines and nine of its field facilities. That is a big difference between the two bills.

The conference committee came up with a compromise that will close at least five of those Bureau of Mines facilities, but it will transfer some of the functions for which there was strong support in the U.S. Senate to various other entities around the country. Those functions the Senate wished to preserve, and continues to preserve as a result of this conference committee, include health and safety research, minerals information, materials research, and minerals assessments on public lands in Alaska.

As a consequence, in reaching this compromise we had to outline exactly what was going to happen to various facilities and to various functions, and that is what we did. It is not new material. These are functions and facilities which would have been dealt with in one way in the original House bill, a different way in the original Senate bill. The compromise requires them to be listed.

The $2 million for particular assessments in Alaska, about which the Senator raised a question, is money that would have been included in the normal operation of the Bureau of Mines under the Senate bill which continued it, but has to be stated separately in order to be continued as various facilities in the Bureau of Mines are closed.

A similar question was raised by the Senator from Arizona in connection with amendments 101 and 104 with respect to Forest Service functions and facilities.

For a number of years, the Interior Subcommittee has required approval of boundary changes in national forests, the abolition of regional offices or the movement or closure of Forest Service offices. Both the Appropriations Committees in the two Houses and the authorizing committees have had to be notified and had to approve of such changes.

In this particular connection, there is such a proposed change. During the course of the conference committee, the Forest Service asked for the move which is referred to here. That move and some of its conditions are outlined in the bill as a result of the historic practice of the Appropriations Committee and the desire of the Forest Service itself.

Finally, by far the most significant amendment, about which a question was raised by the Senator from Arizona, has to do with the Presidio. The Senator points out that the Presidio, as a military reservation, has been closed under the Base Closure Commission activities, and he asks, essentially, why it is that we are appropriating money for a closed military facility.

The answer, of course, is that whatever the merits and the beauty of Williams Air Force Base in the State of Arizona, the Presidio in San Francisco is a totally, completely unique national asset, a magnificent open space in one of America's largest and most famous cities.

So some years ago, before I became chairman of this subcommittee, it was determined that the Presidio, when it was to be closed as a military base, would become, in large measure, a national park. And the appropriation in this bill is for the operation of the Presidio as a national park.

I may say, Mr. President, that I have been bothered by this, at one level at least. The Presidio is the most expensive single national park in the National Park System as a result of these transfers.

So what has happened as a result of the fiscal pressure on the National Park System in running the Presidio is that a group of citizens in the city of San Francisco have gotten together and have proposed a Presidio trust to be created by the Congress. It has not been created by the Congress yet. The authorizing committee has not completed its work on it. The Senate has not debated it.

So this conference committee report says, ''Well, we are appropriating money now directly to the National Park Service.'' We will have to help the Presidio trust with appropriations for at least a number of years until they have transferred this into a purely local facility. So we are going to limit the amount of money that the National Park Service can spend out of our appropriations to one-twelfth of the appropriation for each month, with the hope that the trust will succeed the Park Service sometime during the course of this fiscal year.

But the appropriation for the Presidio is because it is, in fact, a part of Golden Gate National Park and is something which the people of the United States have determined is appropriate to maintain.

The Senator from Arizona also objected to the amount of money appropriated for various native American purposes, particularly to the Bureau of Indian Affairs, noting, however, that it is larger by more than $100 million in this bill than it was in the bill that originally passed the Senate.

I simply want to emphasize today, Mr. President, what I emphasized at

the time of the original debate. The reductions for Indian activities in this bill are lower than the reductions for any other major purpose covered by this bill. They are lower in the reductions than for any other purpose in this bill.

As I said in my opening remarks, in order to attempt to balance the budget, we have $1.4 billion less for 1996 than we had for 1995. This means less money for our national endowments, for our museums, for our land management activities, the Forest Service, the Bureau of Land Management, the National Park Service, the Department of Energy's nonnuclear research activities—right across the board.

The reductions for Indian activities are sharply less than the 10-percent average reductions for everything else, which means, of course, that the reductions for everything else are greater.

I must confess, the distinguished senior Senator from Arizona and I have a certain philosophical difference as to whether there is literally an obligation in perpetuity for the taxpayers of the United States to pay for activities, local governmental activities which everyone else in the United States pays for out of their own revenues, for the operation of tribal governments, for police services, and the like.

I am a strong believer in self-determination, but I think at some point at least, the self-determination carries with it an obligation or duty of self-support, and we should be at least moving in that direction.

That, however, is not the philosophy behind this appropriations bill. This appropriations bill makes a modest but real contribution toward the overriding necessity in this country of balancing the budget of the United States, of ceasing the practice of spending money we do not have and sending the bill to our children and our grandchildren. As a consequence, all of the activities within the jurisdiction of this subcommittee have less money for 1996 than they had for 1995.

Mr. President, they will have less money next year than they have this year if we do not also reform the huge entitlement programs which grow far more rapidly than our economy does. There is a relationship between these two.

In that connection, Indian activities are taking a smaller and more modest hit than, for all practical purposes, every other activity in this bill.

My own No. 1 priority was to try to see to it that we protected our National Park System, which is an asset for every person in the United States, and the cultural institutions here in Washington, DC, for which we have either the sole or primary responsibility, like the National Gallery of Art, the Smithsonian Institution, and the like. I think we have done so reasonably well.

So I terminate these remarks with the views that I expressed earlier. I remind my colleagues that this bill was passed overwhelmingly by this body by a vote of 92 to 6, and I point out at the same time that the objections of a handful of Members who voted against it last time and the reluctant assent of some of those who voted for it have to at least have modestly been met.

I am sorry at this point we do not have the approval of the White House. It is impossible to meet the conditions the White House has laid out. The White House just wants to spend more money, as the Senator from Missouri said in respect to his appropriations money. They want to spend money on everything. They want to borrow it. They do not want to pay for it themselves, but they want to spend it, and that is not going to happen. It is not going to happen now; it is not going to happen later. In fact, the defeat or veto of this bill will sentence the money funded by it to less money than they have in this bill, because the continuing resolution, under which we are operating today, has less money for most of these activities than does this bill.

So we hope that we can persuade the Executive to approve this bill to get it out of the battle of the overall budget. I hope my colleagues will provide very strong support for it, because I am convinced that we have done a responsible and a balanced job under very, very difficult circumstances.

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I yield myself 10 minutes under the time allocated to the Senator from Arkansas.

The PRESIDING OFFICER. The Senator is recognized.

Mrs. MURRAY. Mr. President, I rise to say I am glad this conference report has finally made it to the Senate floor. I know the senior Senator from Washington, Chairman GORTON, has worked very hard to get it to this stage. I also wish to thank Senator BYRD and his staff for their assistance in keeping me informed and helping to move the process forward.

My primary concern with this conference report is its authorizing language regarding the Columbia Basin ecosystem project. This important project was instituted by former Speaker Tom Foley and Chairman HATFIELD to provide a scientific foundation to guide us in developing sound resource policies, especially regarding fisheries management. In many areas of the Columbia Basin region, our forests are dying due to past timber harvest practices, fire suppression policies, and insect infestation. Our salmon and other fisheries resources are endangered, due in part to land-based activities that impact watersheds, like cattle grazing, forestry, recreation, and development.

Unfortunately, this conference report intentionally limits science. It demands that the Forest Service and Bureau of Land Management study only ''landscape dynamics and conditions for forest and rangeland management, specifically the management of forest and rangeland vegetation structure, composition, density, and related social and economic effects.'' It goes on to say the scientific assessment must not contain any other material than that quoted above.

During the second conference, I was unable to convince my colleagues to add a provision allowing for the study of fisheries and watersheds and deleting the clause limiting study. I truly believed my colleagues would support this moderate attempt to allow scientists to provide us information to help guide us in making scientifically based resource management decisions.

In this latest round of conference negotiations, Chairman GORTON, too, tried to convince the House to open up the scientific assessment for fisheries and watershed studies. I want to thank him for his efforts, which were unfortunately unsuccessful.

Mr. President, the amendment I had offered only addressed one area of concern for me in this bill regarding the Columbia Basin project: that of limiting science. However, I am also very concerned that this report prohibits the agencies from issuing a final environmental impact statement or a record of decision and from selecting a preferred alternative in the draft environmental impact statement.

This bill also limits the ability of the Forest Service and BLM to consult or conference as required under section 7 of the Endangered Species Act. The agencies may modify current policies for fish protection and if they have consulted on these policies in the past, they need not do so again—even if the amendment is a drastic modification of current protections. Similarly, the agencies are prohibited from consultation for any projects, such as timber sales, if sales are based on the forest plan amendment.

The President has indicated that he intends to veto this bill. One of his reasons for doing so is the authorizing language on the Columbia Basin project. I look forward to working with him and Chairman GORTON to make the necessary improvements in this language so that we can practice ecosystem-based stewardship and provide a steady stream of commodities while also protecting our resources for this and future generations.

Let me also add that while I have focused the majority of my remarks on the Columbia Basin project, I am also concerned with several other provisions included in this bill. For example, while an additional $50 million were made available to the Bureau of Indian Affairs and Indian Health Service during the last conference, the level of funding for these programs is still woefully inadequate.

The cuts to tribal priority allocations are particularly disturbing. Tribal priority allocations represent an important component of Federal Indian policy. In addition to recognizing the

reduction in bureaucracy that self-governance allows and the shifting of decisionmaking from the Federal to the local level, TPA funds also represent a fundamental recognition of tribal sovereignty. I think it is important that the Federal Government recognize that Indian nations have the capacity, the responsibility, and the right to govern themselves. The Federal Government must also remember its historic obligations to the Indian nations as set out in the many treaties signed by the United States and the sovereign tribes.

Furthermore, I continue to oppose the language preventing Washington State tribes, specifically the Lummi Nation, from exercising their water rights. While I appreciate the willingness of Chairman GORTON to remove language that would likely have derailed the ongoing negotiations—negotiations, I might add, that include all affected parties including the non-Indian landholders and appear to be going well—the language still represents a threat to tribal sovereignty and sets an extremely poor precedent for government-to-government relations.

Mr. President, to close, I would like to note quickly my concerns about several other provisions contained in this bill, including: First, the severe funding cuts to the National Endowment for the Arts and the National Endowment for the Humanities; second, the attempts by this Congress to thwart scientific protocol regarding the methods used to identify the threatened marbled murrelet's nests; and third, the provisions related to the Tongass National Forest.

Again, I want to thank Chairman GORTON for the many improvements he has made in this report. I encourage him to continue those efforts should the President veto this appropriations bill.

Mr. LEAHY. Mr. President, many Vermonters are disappointed about a pattern in this Congress to undermine environmental standards through appropriations and the budget process.

Unfortunately, Congress is doing it again in the Interior bill.

Let me list just a few of the measures that were added to this bill which are direct attacks on the environment using the indirect appropriations process. These are items which have not received hearings, authorizing committee deliberation, or open floor debate.

First, a group of Alaskans asked the Forest Service to update the environmental study for a large timber sale which was being reoffered for a second time. The judge agreed with the Alaskans that an updated study would be worthwhile. This Congress overrules the judge.

Second, the Forest Service has been working on a forest plan for the Tongass National Forest for several years amidst annual meddling from the Appropriations Committee and Congress. In this bill, Congress dictates its choice for forest management, and forces it upon the resource professionals and people of the region.

Third, our country has an Endangered Species Act to protect our Nation's fish and wildlife from extinction. This bill prohibits the Fish and Wildlife Service from listing species as endangered species. We can change our minds about this bill, but we cannot change our minds after extinction.

Fourth, last year, Congress passed a bipartisan bill to create the California Desert National Park by a wide margin. One year later, Congress is trying to dismantle the National Park through funding gimmicks.

Fifth, our country's mining law is 123 years old. This Congress refuses to update the law through the authorizing process, and instead tries to force as many giveaways through the Department of the Interior as they can. They know the American people want changes, but they are scrambling to get what they can while they hold back the will of the American people.

Sixth, this Administration has an excellent record of creating new jobs while protecting the environment, including endangered species. To continue this record of cutting through gridlock, finding flexible solutions, and moving forward, the Administration was studying the Columbia River Basin. This bill says ''ignorance is bliss,'' and cuts funding for science.

There are other problems with the bill as well, some with legislative issues, and some with funding.

One provision has to do with the National Endowment for the Arts. The Supreme Court has an established standard to judge pornography. This bill, however, includes a vague new definition based on the personal opinion of what a few members consider disgusting.

One of the most blatant funding problems is the energy cuts. The President's budget promotes national security, economic progress, and environmental responsibility by supporting voluntary incentives for energy efficiency. This bill cuts energy efficiency funding by 38 percent, including critical programs like weatherization. Weatherization was cut by 50 percent. Vice President GORE pointed out that with the President's budget we could save more energy than could be drilled from the Arctic National Wildlife Refuge.

The pattern is clear and persistent. Environmental funding and environmental laws are the first to go. Our natural resources cannot endure this kind of abuse. Pollution, extinction, degradation, and abuse are not problems that we can easily fix, if at all.

The American people do not want this, and soon Congress will learn about their opposition. But until then, and propelled by this bill, the abuse and neglect continues.

Mr. WELLSTONE. Mr. President, I have spoken time and time again about the cuts in this Republican budget to low-income heating, energy, and weatherization assistance programs that help the most needy in our country. Throughout this year we have seen horrible heat waves and horrible cold snaps. Many citizens of our Nation have become ill and some have even died from the heat and the cold. Yet, still we cut those programs. In the Interior Appropriations bill, energy conservation programs are funded at a level that is only 60 percent the President's request and only 73 percent of last year's funding level. That is just plain foolish.

Mr. President, I have also spoken time and time again about how this Republican budget gives away our natural resources without measuring long-term budget consideration and without designing a long-term energy policy. Still, despite new information, numbers that just don't add up and many unexplored environmental concerns, the Republican budget still contains provisions to open up the Arctic Refuge to drilling, to give oil companies royalty relief for drilling in the Gulf of Mexico, and pages and pages of other provisions that just don't make sense.

This is not energy policy, this is not environmental policy. This is short-term gain without consideration of long-term loss and a jumbled-up mass of contradictions. It just don't make any sense.

Mr. President, why say that our country needs more oil and needs to rely less on foreign supply and then turn around and allow Alaska North Slope oil to be sold to foreign countries. Does that make sense? We need more oil, but we can sell some anyway?

Mr. President, why say that our country needs more oil and needs to rely less on foreign supply and then turn around and slash funding for the Weatherization Assistance Program and other conservation programs. We need more oil, but we can afford to waste some?

Why say that our country needs more oil but not consider ways that we could save oil, by beginning discussions on a long-term energy policy that will benefit every citizen of this nation, not just the oil companies. We need more oil, but lets not worry about how we use it?

Mr. President, this is all just smoke and mirrors. This country needs a long-term energy policy and this country needs to have policies and budgets that are not a mass of contradictions. Our natural resources are the last thing we should play with. I will be voting against this bill.

EXTERNALLY FIRED COMBINED CYCLE FUNDING

Mr. COHEN. Senator SNOWE and I would like to bring to the attention of the chairman an important Fossil Energy Program within the Department of Energy. The Department has initiated a demonstration project to repower Pennsylvania Electric's Warren Station utilizing externally fired combined cycle technology. The purpose of this program is to develop a commercially viable use for this technology. A 20-member consortium, consisting of utilities, private industry,

State energy organization, foreign organizations, and the Department's Morgantown Energy Technology Center, has spent 8 years and $34 million to develop the EFCC technology.

This technology is based on a ceramic heat exchanger that can dramatically increase the amount of electricity generated from burning coal. This ceramic technology produces 20 percent more electricity per pound of coal than conventional steam power plants and, as a result, it can significantly reduce pollution and the cost of power. It could be used to update aging power plants across the United States. According to the Washington Post, this technology ''appears to place the United States in the forefront in developing high-temperature ceramics'' for industrial applications, overtaking international competitors.

Ms. SNOWE. Earlier this year, the Department provided funding to begin testing the technology, which is critical to demonstrate the commercial viability of the project. However, $4.3 million is now needed to complete these tests, which are currently suspended until further funding becomes available. Consortium members expect the program to be commercially viable after completion of the testing. I understand that in addition to coal, the heat exchange technology could be applicable to other types of power production, such as bioenergy.

While some private money has been located to continue the tests, funding from the Department is necessary to restart the testing. If the testing cannot be completed, the $26.5 million already provided by the Federal Government and the $7.5 million contributed by the Consortium will have been wasted.

Senator COHEN and I understand that the chairman of the Interior Subcommittee shares our interest in this project and believes that the Department should make an effort, within its budget constraints, to try to ensure that the testing is completed.

Mr. GORTON. The Senators from Maine are correct. This promising technology could be very beneficial to improving electricity generation in this country.

Mr. COHEN. We thank the distinguished chairman for his assistance on this important matter.

TWIN CITIES RESEARCH CENTER

Mr. WELLSTONE. Mr. President, thank the managers of the bill for their help in providing the Twin Cities Research Center [TCRC] a smooth transition from Bureau of Mines facility to non-Federal entity. The Minnesota congressional delegation and the TCRC have been working to facilitate this transition, and would like to ask the chairman about the following scenario.

The TCRC would be able to continue operations within the Department of the Interior until June 30, 1996 or until such time as a transfer of the facility to a university or government entity is completed, whichever is sooner. The responsibility for identifying funds to maintain such operations would lie with the TCRC and/or the partners interested in seeing this facility remain open. To the extent authorities exist for the Department of the Interior to accept donations or contributions that might be offered to keep the facility open, they may be used. If the Department were to identify other funds that might be available to assist in this, or similar efforts, they would be subject to the normal reprogramming guidelines.

I would ask the chairman—if the authorities exist that would allow funds to be made available for the purposes described, would the interested parties be able to consider such a scenario?

Mr. GORTON. The Senator has identified a possible scenario. The Department is able to do whatever it can within existing authorities, subject to the availability of funds. However, it should be understood that any funds to be provided for this purpose must be from new agreements. Any funds remaining from prior or existing agreements with other parties and the Bureau of Mines are required for shutdown costs. The Senator should also understand that to the extent similar scenarios may apply at other Bureau facilities, this Senator expects the Secretary to give equal consideration to the needs of those facilities and the communities in which they are located.

Mrs. BOXER. Mr. President, I strongly oppose this conference report, many aspects of which I find deeply troubling. I am gratified that the President has stated that he will veto the conference report. At this time, I would like to mention just a few of the most objectionable provisions.

THE MOJAVE NATIONAL PARK PRESERVE

The provisions in this bill on the Mojave National Park Preserve are an affront to the people of California and to the intent of Congress which was clearly stated when we passed the California Desert Protection Act last year. The management of this land as a park preserve is supported by 84 percent of Californians. Every major newspaper in the State, including the San Francisco Chronicle, Los Angeles Times, San Diego Union Tribune, and San Bernadino Sun has voiced its support for the preserve and its strong opposition to efforts to strangle the preserve out of existance.

I find this situation strange, in that it appears that there was only one member of the conference who pushed to defund the preserve. The previous conference report defunded the preserve and gave the Park Service $1 to operate it—clearly just a back door attempt to close one of our largest national parks through the appropriations process. To add injury to insult, this new conference report has added additional restrictions on Park Service management of the new 1.4 million acre preserve that would prevent the Park Service from conducting planning activities. It imposes a cap on Park Service planning expenditures at a fraction of typical planning costs for a new National Park, and imposes an unrealistic deadline for completion of a plan which will limit the congressionally mandated public involvement in the planning process.

On these grounds along, Mr. President, this conference report should be vetoed.

ENDANGERED SPECIES ACT MORATORIUM

This report prohibits adding new species to the endangered species list and prohibits designation of critical habitat for listed species. It also prohibits the monitoring of listed species which is an important part of the recovery process.

A moratorium will harm our Nation and my State of California. Of the more than 100 species currently proposed for listing which would be denied protection under this moratorium, more than half are from California.

Mr. President, on average, endangered plant species have fewer than 120 individuals left by the time they are listed; animal species are reduced to fewer than 1,200 individuals by the time of listing—a 6-month moratorium could see valuable species go extinct for no reason. I don't see why should we wait months and months while we lose flora and fauna that may cure cancer and alzheimers. Why should we wait while species get closer to extinction, creating more complicated and expensive problems that will have to be solved when the moratorium is lifted? The real agenda here is a piecemeal dismantling of the act. This is one more back door move by Republicans to weaken the Endangered Species Act in the face of 77 percent of Americans who support maintaining or strengthening the Endangered Species Act.

TONGASS NATIONAL FOREST

The Tongass National Forest is the last intact rainforest in North America. This conference allows and promotes subsidized logging in extremely ecologically sensitive areas.

The Tongass provisions in the bill are unacceptable. They will require that an outdated and scientifically discredited timber harvesting can be implemented in the national forest for the next 2 years. This will result in logging at a a rate that is 100 million board feet over the historical average—that is logging at a rate of 418 million board feet per year. The Forest Service has rejected this plan because it allows logging at unsustainable and environmentally destructive levels.

MINING

We have been trying to reform the 1872 Mining Law for many years and it is difficult to comprehend how year in and year out, the U.S. Congress continues to allow our taxpayers to lose thousands of acres of Federal lands and billions of dollars in Federal revenue—mostly to foreign-owned mining companies. My distinguished colleague Senator BUMPERS has led the debate in favor of reform for over 7 years, and

this morning he again laid out his devastatingly effective critique of the moratorium language in this conference report and the sham reform that is included in the Republican budget reconciliation bill.

Since 1872, we have given away more than 3.2 million acres. For how much? For the price of $2.50 an acre or at a maximum $5 dollars an acre, and not a nickel in royalties. Over $250 billion worth of minerals have been taken off that land and the U.S. taxpayer has in return received a mining site clean up bill for between $30 and $70 billion. This conference report will allow it to continue.

BUREAU OF INDIAN AFFAIRS

Affairs some funding for the Bureau of Indian Affairs [BIA] has been restored, the amount still falls short of the levels needed to maintain these important programs. Critically important funding for the Bureau of Indian Affairs must be restored, and it must occur without pitting these programs against other important Department of Interior programs. Additional BIA funds are needed to support essential tribal government activities, law enforcement, housing improvement, general assistance, Indian child welfare programs, adult vocation training, road maintenance, and other basic reservation services. I urge my colleagues to pay special attention to this issue.

INTERIOR APPROPRIATIONS CONFERENCE REPORT

Mr. KERRY. Mr. President, today I am voting against the conference report on the Interior appropriations bill and I would urge the President to veto this bill should it reach his desk.

This conference agreement is the third attempt by the conferees who have been meeting on this bill since September. Despite their difficult challenge and tremendous effort, regrettably, it is far from an acceptable compromise. I have particular problems with the funding level for the Department of Energy's energy conservation programs, the National Endowment for the Arts and the National Endowment for the Humanities and numerous objectionable legislative riders.

Energy conservation, like pollution prevention, makes good business and economic sense. It saves production costs and conserves resources and it is clearly the best of all energy options. Unfortunately, the conferees have funded this important work at a level well below that which the President and others have requested, and which is $187 million below the 1995 enacted level. The $536 million budget is a 26-percent reduction from the 1995 enacted level and a 38-percent cut from the President's request.

The conference committee added numerous legislative riders to the bill that have serious policy implications, yet these were added without the benefit of congressional hearings or public input.

One of the most egregious riders would set in stone the current Tongass Forest management plan for an additional 2 years, thus prohibiting an update to the unsustainable timber sale levels it mandates. Additional riders would prove harmful to the environment by placing a moratorium on future listings and critical habitat designations under the Endangered Species Act.

Another provision would require wasting energy by preventing the Department of Energy's implementation of new energy efficiency standards for an additional year.

The ideological fervor of the Republicans who now control the Congress has manifest itself in heavy cuts to the National Endowment for the Arts and the National endowment for the Humanities.

It is my hope that the President will veto this bill so that the conferees can work toward a package that provides sufficient funding for environmentally beneficial programs and strips the environmentally harmful legislative riders.

We can and must do better than this. We must not and the President will not capitulate to the tactic of the Republicans who now control the Congress to hold hostage the funding for our national parks and public lands until they are permitted to abolish or emasculate vital environmental protections that have withstood previous head-on challenges.

I hope, after this bill is vetoed, the Congress will get down to serious, good faith negotiations to develop a reasonable interior appropriations bill which can be passed with broad support and signed into law.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Acting for the leader, I ask unanimous consent that the vote on the adoption of the conference report to accompany H.R. 1977, the Interior appropriations bill, occur at the hour of 2 p.m. today. I further ask that at 3 p.m., the Senate turn to S. 908. It is my understanding this has been cleared.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. STEVENS. Mr. President, I delete the last request with regard to S. 908, and I ask unanimous consent that it be rescinded.

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

The vote on the pending legislation then is set at 2 p.m. this afternoon.

Mr. STEVENS. That is correct. At 2 p.m., we will vote on the pending conference report.

Mr. President, with the consent of the distinguished chairman of the Appropriations Subcommittee, I yield myself such time as I need to comment on this report.

Mr. President, I first want to start off by commending my good friend from Washington, my southern neighbor. I think Senator GORTON's task has been a very difficult one this year. As he stated, he has had a substantial reduction in the amount of money available to him. He has done a fantastic job. There are areas here where we have serious concern. I think anyone in the Senate has serious concerns over areas that affect their States directly. All of the agencies in the Department of Interior have substantial impact on Alaska, and we know that funding is being restrictive. There is a general decline now in the amount of taxpayers' funds available to run these entities, and I view that with great regret.

However, I also know that we are committed to a balanced budget, and some of these steps have to be taken so we can eliminate the constant growth of interest on the national debt. That interest now, this next year will be larger than the amount of money that is available to spend for the national defense of this country.

I do manage that defense bill, and I am appalled we are spending more money next year on interest than we will spend on the defense of our country, but there is no alternative but to pay the interest on the debt that is due. That is why we are laboring so hard to try and find a way to reverse that trend and hopefully reach the day when the interest starts coming down, when we can start making funds available to these very necessary functions such as those of the Department of Interior.

I am particularly concerned right now about the comments that have been made by the Senator from Arizona concerning the money that is earmarked here for the Bureau of Land Management to do mineral assessments that were formerly done by the Bureau of Mines. The situation that we had, Mr. President, was this: When this bill was before the Senate, the Senate did not zero out the Bureau of Mines.

The House bill did mandate the closure of the Bureau of Mines. When we got to conference and realized that the funding was so limited, we had to take action suggested by the House—action I really regret. The Bureau of Mines has been a very vital function for the Federal Government, but it has been agreed now to close that Bureau.

I pointed out to the conferees that under section 1010 of the Alaska National Interest Lands Conservation Act—we call that ANILCA, an act passed by the Congress in 1980—over 100 million acres of Alaska lands were set side. Congress recognized that there had to be an assessment of lands that were to be patented to the State and Federal governments, and an assessment of these lands were set aside to the extent possible. That is required, as I said, under section 1010 of the Alaska National Interest Lands Act.

We have requested that this money be earmarked so that the people who formerly worked for the Bureau of Mines and were performing the assessments required by law that have to be made prior to the transfer of lands,

that they will be made under the direction of the Bureau of Land Management, which does in fact have the authority over the lands. This was not behind closed doors. We had a provision in the Senate bill, had we maintained it, that all of the people performing Bureau of Mines functions in Alaska would remain on the payroll. What we have done is maintained the funds for the absolutely essential minimum requirement of the law, which is to do these mineral assessments formerly under the Bureau of Mines, which will be done under the Bureau of Land Management until the job is completed.

I believe that that is a necessary function of the conference committee. Having acceded to the House provision, the Senate demanded that the minimum function required in my State to be maintained is earmarked at $2 million in this bill to continue that. That will be a requirement through coming years that we maintain those funds, and I intend to do every thing I can to see to it that the Senate will maintain that constant.

Mr. President, there is another very vital matter in this bill that pertains to my State, and that is under the administrative provisions for the Forest Service, this bill retains language pertaining to the Tongass forest in southeastern Alaska. I regret that it is necessary to continue doing this. I want the Senate to know that this is not the provision that the Senate voted on; this is a provision that has been substantially modified in conference.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, let me claim time under the time reserved for those in opposition to the conference report.

Mr. President, I listened with great interest today to the comments by Senator MCCAIN. I find myself in a similar circumstance. I commend Senator GORTON and others who have worked on this legislation. I do not come here with ill will toward those who have tried to put together a compromise. But I do feel very strongly that we find ourselves with respect to the appropriations available in some critical areas, dealing with some very vulnerable people, short of what is needed. Again, I do not intend to be critical of those who have worked on this compromise. I understand the competing needs involved, and they reached a different conclusion than I might have, a different conclusion than Senator MCCAIN said he would have reached. For that reason, he intends to oppose the conference report. I am going to oppose the conference report for the same reason.

Let me be more specific. I am very concerned about an area of spending dealing with Indian children. That concern stems from a substantial amount of observation by me of the Indian reservations in North Dakota and elsewhere, from hearings that I have held, from stories and concerns that I have related to the Senate previously.

I have, Mr. President, seen in offices folders containing reports of child sexual abuse and physical abuse which were stacked on the floor and had not even been investigated because there was not enough money to investigate them. We are talking about 3-year-old, 5-year-old, 8-year-old children who have been victims of alleged physical or sexual abuse. The cases had not even been investigated. You may ask why. Well, because the people in charge of investigating the reports simply do not have the resources. They say, ''These reports are stacked up and we have not been able to deal with them. We do not have the capability. We are overwhelmed.''

There are stories that break your heart when you hear them. I have told the Senate the story that got me interested in this issue. It is a story of a young girl named Tamara DeMaris. Tamara was 3 years old when she was placed in a foster home. But the person who placed Tamara in her foster home was handling 150 different cases. And with few resources and one person handling 150 cases, guess what happened? A 3-year-old child gets placed in a foster home that turns out to be an unsafe home for a 3-year-old. This is a foster home where they have a drunken party, and during this drunken party, this little 3-year-old child gets beaten up. Her nose is broken, her arm is broken, and her hair is pulled out by the roots. This is a 3-year-old child, who is our responsibility, who was placed in a foster home, and the result is that she is beaten because nobody checked to see whether this was a foster home where a young child ought to be placed.

On that reservation, there are more people now doing the checking to see what kind of foster homes are available and whether they are safe places to put young people. I am glad that this has happened. It happened as a result of my intervention and the intervention of others to get additional resources.

But the experience of this young Tamara DeMaris is not all that unusual, regrettably. I will never forget when I met this little girl. You look into her eyes and wonder whether the scars from the beating will ever go away, and know that the beating occurred because we did not make sure that we would have enough resources to provide for her protection. Three year olds cannot take care of themselves. It is not their fault if they are born into poverty. It is not their fault if they are born into a situation where there is no family structure. It is not their fault that they are going to be placed in a foster home by someone. It is not their fault that someone commits sexual abuse or violence against them. But it is our responsibility to try to protect those kids.

We are not doing enough about it. The resources do not exist in this piece of legislation to deal with it. We have an Indian boarding school in North Dakota. I visited that Indian boarding school about a month or two ago and saw the children, many of whom come from very troubled backgrounds, and I read some of the letters they had written when they came to school. One 13-year-old girl, her dream was a very simple thing, that maybe at Christmas, some Christmas, she would be able to have a mother and a father and a sister and a brother together to celebrate. Of course, in her circumstance, it will not happen. It has never happened. It will not happen in the future. That was her dream. Very simple. A lot of kids dream for material things, but she wanted a home where a mother, father, brother, and sister would be able to spend Christmas with her.

The point I make is that we suffer some very serious, troubling problems on Indian reservations with respect to child abuse and with respect to poverty, health challenges and other things. This piece of legislation, Mr. President, simply does not adequately address those issues.

Mr. President, I remember touring a hospital some while ago and holding in my arms a little baby who had been born prematurely. A Native American had come to the hospital to give birth. Her blood alcohol content when she checked in was 0.23. The baby, upon birth, had a blood alcohol content of 0.21. The mother wanted nothing to do with the baby. She did not want to see the baby. Think about the consequences of this: Someone showing up to deliver a baby with a 0.23 blood alcohol content and delivering a baby with 0.21 blood alcohol content. It is likely the baby will suffer from fetal alcohol syndrome.

The same hospital showed me just before I was at the nursery the space where the carpenters had prepared for a new device. They were, I believe, getting an MRI, a device that is breathtaking. It can look through the human body to see what is inside. Here, 200 feet apart, is an example of the most breathtaking success in health care and the most tragic human failure.

How do we respond to all of these things? How do we deal with them all? Some say you cannot throw money at it. I do not disagree with that. On the other hand, with respect to children, with respect to babies and 3-year-olds and 5-year-olds and 13-year-olds, with respect to those kids who are born of circumstances that they did not create, we must, it seems to me, in this legislation give them an opportunity, give them a fighting chance, deal with their health care needs, provide protection to make sure that foster homes are safe.

We must do that, and I regret to say this legislation simply falls too short. I voted for this bill when it left the Senate, hoping that maybe when we got to conference we would still have an opportunity to work out some approach that would provide enough resources to deal with the needs of Indian children. I conclude, having looked at the conference report, pretty much the same

as the Senator from Arizona, Senator MCCAIN, has concluded. It simply falls short. We have to do better. I hope that, although I intend to vote against this conference report, when we approach this funding bill again next spring, working in good faith with good people, that those who put this kind of legislation together will understand that there really is no higher priority for us than to meet our responsibility to children. Children cannot take care of themselves. We have certain trust responsibilities to meet. In my judgment, we have not met them.

Mr. President, with that I yield the floor.

Mr. MURKOWSKI. Mr. President, I thank the Chair. I remind the President that it is the holiday season and as the song goes—tis the season to be jolly. Unfortunately, my good friend from Arkansas, as he described the mining law provisions in the Interior bill, did not follow the holiday spirit. I think he may have construed the holiday season with the Grinch of Christmas, or something of that nature, but clearly his description of the legislation was not in the holiday spirit.

I think it is fair to say that his comments were hardly constructive toward enacting mining law reform, and might even be construed to be destructive. As the President is aware, today's 6-hour debate on the fiscal year 1996 DOI conference report is, in the opinion of the Senator from Alaska, a good deal about politics and very little about policy. Many of our friends on the other side of the aisle see the environment as a political issue and are prepared to do just about everything to exploit the issue. Unfortunately, in their effort to win political points with the media they are destroying our natural resource industries. I think we should look at what has happened. A portion of our resource industry and the jobs that go with it are being destroyed. We are driving those jobs overseas. We are increasing our balance of payment deficit.

Take for example, the Department of the Interior's attitude toward resource development. They oppose it. Mining, coal, oil and gas, timber, grazing, all of these resource activities on public lands are opposed by this administration. As a result, the administration is forcing us to import many of these resources from overseas.

The greatest portion of our balance of payments deficit, Mr. President, is the cost of imported oil. What is the administration doing to encourage exploration in areas such as ANWR? In my State of Alaska, geologists tell us ANWR is the most likely prospect for a major oil discovery. Unfortunately, this administration opposes any exploration in this area. As many of you know, my State of Alaska has contributed 25 percent of the total domestic crude oil produced in the United States for the last 18 years.

The arguments prevailing in the early 1970's against opening Prudhoe Bay are the same arguments prevailing today against opening ANWR. The only difference is we have learned how to develop the Arctic in the last quarter of a century, and, as a consequence, we can apply advance technology to do a better job, making a smaller footprint. That is not the policy of this administration. The administration's policy is to constrict resource development. Where have all our high-paying blue-collar jobs gone? They have been exported overseas.

As I mentioned earlier, today's debate is about politics, not policy. I hope that my colleagues will see through this smokescreen.

Mr. President, I urge my colleagues to consider the DOI conference report on its merits. An awful lot of effort and time has gone into the bill. Senator GORTON put together a good bill. There were problems with the House, but ultimately he put together what I think is an acceptable compromise.

Earlier today, my friend Senator BUMPERS talked about the mining law provisions in the budget reconciliation package. To hear his view, it is a giant sellout of American resources to a few mining companies. I want to clear up a few misunderstandings, because you have to recognize that this industry provides good-paying jobs which provide a solid tax base.

Looking at the royalty provision under the proposal sent to the President, for the first time in history in this legislation, miners are required to pay a 5 percent net proceeds royalty. During good market conditions, if an operation is making a profit, they pay a royalty. During bad market conditions, if an operation is losing money, they do not pay a royalty. The significance of the mining industry—it is a world competitive market out there—you either compete with South America, Brazil, Australia, on a world market price or you do not compete at all.

In other words, Mr. President, we are trying to provide incentives for operators to stay in production, to keep our U.S. jobs, these high-paying union jobs that keep people working and provide a local and Federal tax base.

And I would encourage the unions in this country that are dependent in the resource industry to look behind this smokescreen to what this administration is really attempting to do with resource development jobs—mining of any kind, hard-rock, coal, you name it. They do not want anything to happen on public land. This attitude will not create jobs.

Patents—for the first time in history miners would be required to pay fair market value for patented land. There would be a reverter for the first time in history—that patented land used for nonmining purposes reverts back to the Federal Government. So there is no speculation. There are no ski resorts built under the idea that you get a patent for mining and then use it for something else.

We protect property rights by allowing the pending patent applications at Interior to move forward under the existing law. The remaining 330,000 mining claims holders would have to prove that they have a ''vested possessory property right.'' If they do not have that right, they are subject to the new law.

For the first time in history, we establish an abandoned mine land fund to start the process of cleaning up old abandoned mines. We maintain the existing $100 per claim holding fee for 3 years and then double the fees to $200 per claim starting in 1999.

Mr. President, the Congressional Budget Office's score over 7 years is approximately $157 million. As new mines come into production this figure will significantly increase.

What is the administration's proposal? Mr. President, they have no proposal. Secretary Babbitt continues to demand mining law reform, yet he offers no solution. The administration has failed to submit a proposal to Congress this year.

In fact, instead of supporting mining law reform legislation, the President's budget calls for the elimination of the percentage depletion allowance for hard-rock mining—a multi-billion-dollar budget bombshell that will cost several billion dollars, and thousands of jobs.

According to the administration, this would save roughly $954 million over 10 years—in effect, place a $1 billion-plus burden on the Nation's miners. Once again, the White House has singled out the mining industry for punishment. Why?

Its the latest assault in Secretary of Interior Babbitt's and the administration's war on the West on hard-working people and their jobs. Make no mistake about it, they are singling out the hard-rock mining industry for termination.

Oil, gas, and coal jobs are not put in jeopardy at this time, however, the camel's nose is under the tent. It is only a matter of time until the administration uses the Tax Code to go after oil, gas, and the coal industry.

Mr. President, the hard-rock mining industry provides 120,000 direct and indirect jobs nationwide. This proposal could eliminate 60,000 to 70,000 of those jobs.

The administration is using the environment as a political issue. The debate is not about policy. It is about politics.

I urge my colleagues to see through this smokescreen and vote on the facts. If we can send a man to the Moon, we can surely develop our natural resources and protect our environment.

On the matter of the Tongass, Mr. President, I commend my good friend and senior colleague, Senator STEVENS, and those who have worked so hard to get approval in the conference.

The conferees have significantly modified the provision dealing with the management of the Tongass National Forest to fully respond to administration concerns. In the original amendment, the administration objected to:

First, sufficiency language; second, the dictate to follow a forest plan that the administration believes is superseded by more recent information; and third, imposing a permanent ban on the development of wildlife habitat conservation areas.

The new amendment agreed to by the conferees contains none of these three requirements. It allows operations on the Tongass National Forest to continue under the current Tongass land management plan [TLMP]. Further, it directs that revision and amendment of the TLMP continue.

The new amendment reaffirms the compromise embodied in the 1990 Tongass Timber Reform Act [TTRA] by requiring that for the next 2 years, any change to the TLMP shall maintain at least the number of suitable available and suitable scheduled acres of timber land and allowable sale quantity as that identified in the preferred alternative of the October 1992 final TLMP (alternative P). The regional forester, at that time, developed alternative P as the best way to manage the Tongass National Forest implementing the compromise of the 1990 legislation. Subsequently, litigation from environmental groups has undermined the compromise.

Unfortunately, the ninth circuit court has ruled that the 1990 act's requirement to seek to meet market demand for timber is merely hortatory and not binding on the Forest Service as are numerous other statutory obligations. More recently, on October 19, Alaska District Court Judge, James Singleton, ruled that based upon the ninth circuit's reasoning, the balancing mechanisms of the 1990 Act are not a binding duty. Rather they are merely a Congressional admonition to be factored into the mix of Forest Service goals. Judge Singleton then held that ''the absence of any enforceable duty'' denies plaintiffs (the State of Alaska and the Alaska Forest Association) standing to challenge Forest Service decisions, and that plaintiffs will not receive relief ''unless congress intervenes in a more forcefully way.''

The amendment meets this challenge from the courts by imposing a nondiscretionary obligation on the Forest Service to maintain a land base suitable for timber production and resulting allowable sale quantity as indicated in alternative P, thus restoring the 1990 compromise and establishing a binding duty to maintain the timber land base. The Forest Service has flexibility to work within a number of administrative land use designations to harmonize this duty with other statutory obligations or agency goals.

The conference agreement makes it clear that any revision, amendment, or modification shall be based on the application of the scientific method and sound, verifiable scientific data. Data is sound, verifiable and scientific only when it is collected and analyzed using the scientific method. The scientific method requires the statement of a hypothesis capable of proof or disproof, preparation of a study plan designed to collect accurate data to test the hypothesis; collection and analysis of the data in conformance with the study plan; and confirmation, modification or denial of the hypothesis based upon peer-reviewed analysis of the collected data. That the data used shall be from southeast Alaska ecosystem. The current TLMP revision process underway does not meet these standards and should be modified in the 2-year time period provided by this amendment.

The amendment also includes language to release timber enjoined by the ninth circuit court because the Forest Service had not conducted an environmental analysis when allowing the transfer of sales from one long-term timber contract holder (the Alaska Pulp Corp.) to another (Ketchikan Pulp Co.). Previously, Congress passed section 503 of Public Law 104–14 which said that the transfer of sales should be authorized, notwithstanding the requirements of the National Environmental Policy Act [NEPA] and the Alaska National Interest Lands Conservation Act [ANILCA].

The ninth circuit subsequently determined on September 28, that section 503 or the rescissions bill did not alter the legal basis for the court's original decision. The court stated that section 503 reflected the ''mistaken view that the dispute involves the changing of parties to a contract.'' The court said that, since the alternatives described in the environmental impact statement were driven by Alaska Pulp Corporation's [APC] contract, NEPA and ANILCA required a new set of alternatives in order for the Forest Service to reoffer the timber to third parties (because the Forest Service was no longer under an obligation to sell the timber to anyone). Accordingly, the ninth circuit held that section 503 failed to address the legal significance of the termination of APC's contract by focusing solely on the fact that the sales were transferred from one party to another.

By saying that ''the change of purchasers for whatever reason shall not be considered a significant new circumstance,'' the amendment in this bill makes it clear that, even though the change of purchasers is due to the termination of the long term sale, the transfer to third parties is covered by the language in the bill. The language says that it will not be legally significant no matter what reason the Forest Service makes for the transfer.

I urge the administration to recognize the good faith negotiations that resulted in this compromise, and to sign the Interior appropriations bill. To do otherwise would be to destroy the small kernel of hope that this provision will bring to the people of southeast Alaska who live in the forest. Because there is no State forest, there is no private land. These people live in the forest—Ketchikan, Wrangell, Petersburg, Juneau, Sitka, Skagway. All of these areas are in the forest, and the people living in this area have hopes that this legislation will maintain their industry at a modest level.

Finally, Mr. President, I urge that realism dictate the evaluation of these matters by the Department of Interior. They suggest that the Queen Charlotte goshawk and the Alexander Archipelago wolf might be endangered as a consequence of logging. It is absolutely without any scientific fact of any kind, and is simply a bogus excuse. They have already been ruled as not subject to the Endangered Species Act because they are not threatened. But they keep bringing this matter up.

Mr. President, we have a season on wolves. We allow the taking of wolves. They are predators. If they were scarce, obviously, that would be the first thing to go. But the Secretary of the Interior puts this smokescreen up and suggests that the wolves and the timber do not mix, and it is absolutely based on no scientific fact.

Alaskans simply cannot understand it. And the only effort they are making in the evaluation of the goshawk is not to find out how many are in the forest. They simply look at the next proposed area to be logged and use the wolf or the goshawk to block development. There is no substantiation to suggest that the goshawk is endangered either.

But it just drives me crazy to see these false excuses coming out of this department that knows better, and they admit they know better. But they will use any excuse at any time to address an emotional argument.

I yield the floor.

I wish the President a good day.

I see my good friend from West Virginia seeks recognition. I wish him a good day as well.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I thank my friend from Alaska. He is always most generous in his comments concerning other Senators. He has always been very kind, and as is his characteristic way, he is always cooperative and courteous toward me. I appreciate his friendship. And I am glad to have him as my colleague.

Mr. President, today the Senate is finally able to undertake its consideration of the conference report on H.R. 1977, the FY 1996 Department of the Interior and Related Agencies appropriations bill. This bill has been to conference on three occasions, as a result of two different votes to recommit the conference report by the House. However, we now have a product that has passed the House and I hope that the Senate will be able to provide its approval expeditiously. For the information of Senators, this conference report and accompanying statement of the managers appeared in the CONGRESSIONAL RECORD on December 12, 1995, on pages H14288 through H14309.

The agreements before the Senate today total $12.234 billion in budget authority, and $13.210 billion in outlays,

as scored by the Congressional Budget Office. The Subcommittee has had its 602(b) allocation increased by the Full Committee in order to provide an additional $50 million for Indian programs, which has been an area of concern to numerous Senators, as well as to the administration.

The recommendations of this conference agreement represent a total decrease below the amounts provided in fiscal year 1995 of approximately $1 billion in budget authority and $822 million in outlays. Thus, when all of the various scorekeeping adjustments are factored in, this bill is about 8 percent below current levels.

This conference report reflects the very difficult choices imposed upon the Appropriations Committee this year as a result of the constrained funding for domestic discretionary spending provided in the budget resolution. Nearly every single agency in this bill is funded at a level well below the fiscal year 1995 enacted level. Significant personnel reductions will result due to various program terminations or restructurings recommended in the Interior bill this year. The picture might be prettier if we had more money, but we do not have more money. Further cuts in domestic discretionary spending contemplated by the President in his most recent budget proposal make it likely that additional cuts in the outyears for the programs in this bill will be necessary. So next year will be slimmer than this year.

Given the constraints within which conferees had to work, as well as the prospects for the future, I believe this conference report reflects a balancing of the competing interests found in the Interior bill.

Now, Senator GORTON has already laid out the details, and laid them out well. I wish to extend my strongest commendation to Senator GORTON for his leadership on the Interior appropriations bill this year. This is his first year as chairman of the subcommittee, and I am going to say something about the chairman of the subcommittee that I have never said before in my almost 40 years in this body and 44 years on Capitol Hill. I am going to say something that I have never heard another Senator say about a subcommittee chairman; that is that this subcommittee chairman, Senator GORTON, is the best subcommittee chairman that this subcommittee has had in at least the last 8 years.

What am I saying when I say that? I was chairman of the subcommittee for 6 years. So what I am saying is that Senator GORTON is a better chairman of this subcommittee, has mastered its details more, is better prepared, more knowledgeable concerning the bill than I ever was.

This is a Western Senator's bill, as a matter of fact. I am not a Western Senator. Senator GORTON is a Western Senator. But I salute him, and I daresay there is not another Senator in this body that I have ever heard say that another chairman of the subcommittee has been a better chairman than he, the Senator speaking, has been. I say that ungrudgingly. And, of course, it has to come from my heart. So I congratulate Senator GORTON. I commend him.

The Bible says, ''Seest thou a man diligent in his business? He shall stand before kings.'' Senator GORTON is diligent in his business, and we are fortunate to have him as our chairman.

Of course, I hope the day will come when I will again be chairman of the subcommittee. I look forward to that day. I hope it is not too far away. But, in the meantime, my words stand as they have been spoken.

So he has mastered the complexities of the public lands and other issues that confound this bill year after year. He has been most considerate of me and of other Senators throughout this appropriations process. He cannot do everything for everybody. He cannot do everything for anybody. He cannot do everything he would like for himself. But I thank him for his courtesies. He has been most deferential and generous to me.

Mr. President, I hope that the Senate will act to support this conference report. As I have already said, it is the third conference report on the bill. While changes have been made from the earlier conferences, the administration continues to voice concerns about some of the provisions, particularly the legislative language in the bill, and it is possible that the bill will be vetoed. But I hope that the administration will think carefully before reaching a decision about the fate of this bill.

The controversial issues will not go away if the bill is vetoed. They will not go away. The $50 million increase for Indian programs might be taken away. Further restrictions on the Agencies funded in the bill might be imposed. So, while the administration may not like everything about the bill—and I do not like everything about the bill—while the administration may not like everything about the bill, I urge the administration to think carefully once, twice, three times, and then think again. Think again before issuing a veto. If a veto is issued, I hope the administration will be prepared to negotiate constructively. A position that the bill is signable only if the language items are removed in their entirety is not helpful—or realistic.

There are many programs which were identified as a priority by the administration, but our allocation constrained how far we could go in funding all of the programs on their list. Given the environment in which we had to work, most programs fared relatively well in this conference agreement. It is unclear how some of these activities will be treated if funding for the Interior bill agencies is folded into a continuing resolution. In addition, this bill begins a responsible downward trend, which is absolutely necessary given where domestic discretionary spending appears headed in the coming years.

Mr. President, I would like to highlight some of the items in the conference agreement.

The subcommittee has attempted to protect the operational base of the agencies funded in the bill, while at the same time these agencies are having to take their share of administrative and personnel reductions. In order to protect the operating accounts, more significant reductions were taken in the land acquisition and construction accounts.

Funding for Indian programs under the jurisdiction of the Interior Subcommittee is reduced by 4 percent below the FY 1994 level. These reductions are taken primarily from the discretionary activities of the Bureau of Indian Affairs, in order to protect education and health care for Indians, which also fall under the jurisdiction of this subcommittee. The conference agreement restores $112 million to the Bureau of Indian Affairs from the Senate-passed level.

Total funding in the bill for the Land and Water Conservation Fund is $140 million, a level 40 percent below the FY 1995 amount. No project specific earmarks are included for land acquisition. The conferees direct the administration to propose projects for consideration, subject to the committee's reprogramming guidelines.

Total funding for construction in the land management agencies is reduced by nearly 20 percent below last year's level.

The National Biological Service is eliminated as an independent entity, and the conference agreement folds the natural resource research responsibilities of the Interior Department into the jurisdiction of the Geological Survey. Efforts have been taken to protect, as much as possible, the existing research facilities located in various states.

The Bureau of Mines is terminated, with its health and safety and materials partnership functions transferred to the Department of Energy and its non-Alaska mineral information responsibilities assigned to the Geological Survey. The Alaska minerals activities from the Bureau of Mines are transferred to the Bureau of Land Management.

Funding for the National Endowment for the Arts is reduced by about $63 million, to a level of $99.5 million. The National Endowment for the Humanities is reduced by about $62 million, to a level of $110 million. The conferees agreed to disagree regarding future funding for these two agencies.

As usual, Mr. President, the most controversial issues in the Interior bill involve legislative proposals. With respect to the most significant of these items:

The bill contains language continuing the moratorium on the issuance of mining patents. Provisions are included regarding a schedule for the

processing of those patent applications in the pipeline, as well as for the use of third parties in the conduct of mineral examinations.

Legislative language is included regarding the management of the Tongass National Forest in Alaska. While management direction is specified for the next 2 years, the Forest Service will be able to complete the current planning process.

A moratorium on implementation of certain provisions of the Endangered Species Act is imposed until reauthorization of this landmark legislation is enacted.

Language is included which changes the direction provided by Congress last fall regarding the management of the California Desert. The latest conference agreement allows the National Park Service to engage in a comprehensive planning effort during fiscal year 1996, but management in the Mojave Preserve remains the responsibility of the Bureau of Land Management.

Legislative language is included which limits the types of grants that can be funded using NEA dollars appropriated in this act. The language offered to the Senate bill has been modified to address concerns regarding potential legal challenges.

In summary, Mr. President, this conference report is not perfect. It is exactly what most conference reports are—a compromise. The House did not get everything it wanted, and neither did the Senate. This bill makes a significant downpayment toward deficit reduction, while trying to balance many competing needs and interests. I urge the Senate to adopt this conference report, and I hope the President will give it his approval.

Lastly, I would like to commend the staff who work on this appropriations bill. It is not an easy task, in part because of the variety of issues involved, and also because of the extreme interest so many Senators place on the programs and projects under the jurisdiction of the Interior Subcommittee. I wish to thank Senator GORTON's staff: Cherie Cooper, Kathleen Wheeler, Bruce Evans, and Ginny James. On my staff, Sue Masica handles the Interior bill, and is assisted by Carole Geagley. The staff works together as a team, and I think that is reflected in the quality of the product presented to the Senate today.

I thank all Senators and urge adoption of the conference report.

I yield the floor.

INTERIOR PRIORITIES

Mr. LEAHY. Mr. President, I would like to discuss briefly with the chairman some of the funding included in this bill. Together we have made an effort to eliminate earmarks within the bill. There is no way to accommodate the many projects that Senators requested. One way to treat every State fairly is to provide no earmarks, and instead set programmatic budget priorities.

I have worked to improve the budget process by focusing on programs within the administration's budget rather than add-ons and earmarks. We cannot simultaneously address the deficit program and continue to add new programs. I have worked with the agencies to craft budgets that make sense to the State of Vermont and address national issues that are worthy of Federal support.

In that respect, I wish to clarify my understanding of the budget's treatment of several programs and projects that are important to the agencies and important to the State of Vermont. At the time the budget was presented, the Interior Department provided information to me which indicated that the Lake Champlain Basin initiative was continued in the budgets of the Geological Survey and the National Park Service at approximately the fiscal year 1995 levels—$222,000 and $250,000 respectively—and that there was approximately $600,000 in the Fish and Wildlife Service Budget for these purposes. In addition, the Connecticut River Valley ecosystem project was slated to receive approximately $1,005,000 in the FWS budget for the Conte Refuge, and that the Park Service intended to allocate $250,000 for this effort. The Fish and Wildlife Service would also participate in efforts to protect the resources of these ecosystems through investments in endangered species management and private lands wetlands restoration.

Mr. President, while no specific earmarks restating what was included in the budget were provided in the committee report, I hope the chairman would extend his agreement that the agencies should follow through on their commitment to continue these initiatives, roughly at the levels assumed in the budget. The budget levels were essentially a continuation of the prior year level of effort, and my objective is to see that the initiatives continue. Obviously, if there were reductions in any of the budget line items where these programs are funded, these initiatives would have to bear their fair share of any such reductions. However, for the most part, under the leadership of the chairman, the operating accounts of the land management agencies have been pretty well protected, and the agencies should be able to follow through on the indications provided by the Department.

Mr. GORTON. I am aware of the Senator's concern for emphasizing these initiatives. What he has presented seems reasonable, and I would expect the Department to follow through with roughly the funding levels that have been identified.

Mr. JEFFORDS. I join my fellow Senator from Vermont to express my interest in these important community efforts in the State of Vermont. I am glad that the chairman concurs with our understanding.

Mr. BYRD. I thank the Senators from Vermont for highlighting these concerns. I agree with the chairman. Since the accounts in which these initiatives are funded are basically level with the budget request, the Department should be able to address these programs consistent with the information provided when the budget was submitted.

Mr. DOMENICI. Mr. President, I rise in support of the conference agreement accompanying H.R. 1977, the fiscal year 1996 Interior and related agencies appropriations bill.

This bill has been a long time coming to the Senate. I commend the distinguished subcommittee chairman, Senator GORTON, for his diligence in completing this bill.

The final bill provides $12.1 billion in budget authority and $8.2 billion in new outlays to finance the operation of the Department of Interior agencies, the U.S. Forest Service, the Indian Health Service, the energy conservation and fossil energy programs of the Department of Energy, the Smithsonian Institution, and other arts-related agencies. Most of the funding in this bill is for nondefense discretionary programs.

When outlays from prior year budget authority and other completed actions are taken into account, the final bill totals $12.3 billion in budget authority and $13.3 billion in outlays for fiscal year 1996. The bill is $0.5 million in budget authority and $0.25 million in outlays under the subcommittee's revised 602(b) allocation.

Mr. President, the subcommittee had difficult decisions to make in setting priorities for the funding in this bill. In revisiting the bill for the third time, the conferees restored important funding for the native American programs funded in the bill. I have fought for this outcome since the bill came before the Senate. While we have not made up all the funding I believe is necessary for the Bureau of Indian Affairs for tribal priority allocations, the restoration of $25 million for this purpose is significant. I thank the chairman for his efforts in this regard.

Mr. President, I ask unanimous consent that a table displaying the Budget Committee scoring of the conference agreement be printed in the RECORD, and I urge the adoption of the conference report.

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

INTERIOR SUBCOMMITTEE, SPENDING TOTALS—CONFERENCE REPORT

[Fiscal year 1996, in millions of dollars]

	Budget authority	Outlays
Nondefense discretionary:		
Outlays from prior-year BA and other actions completed	146	5,001
H.R. 1977, conference report	12,089	8,208
Scorekeeping adjustment	.....	.....
Subtotal nondefense discretionary	12,234	13,210
Mandatory:		
Outlays from prior-year BA and other actions completed	.....	24
H.R. 1977, conference report	59	25
Adjustment to conform mandatory programs with Budget Resolution assumptions	6	6
Subtotal mandatory	65	55

INTERIOR SUBCOMMITTEE, SPENDING TOTALS—CONFERENCE REPORT—Continued

[Fiscal year 1996, in millions of dollars]

	Budget authority	Outlays
Adjusted bill total	12,299	13,265
Senate Subcommittee 602(b) allocation:		
Defense discretionary		
Nondefense discretionary	12,235	13,210
Violent crime reduction trust fund		
Mandatory	65	55
Total allocation	12,300	13,265
Adjusted bill total compared to Senate Subcommittee 602(b) allocation:		
Defense discretionary		
Nondefense discretionary	−1	−0
Violent crime reduction trust fund		
Mandatory		
Total allocation	−1	−0

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

Mr. GORTON. Mr. President, I ask unanimous consent for 1 additional minute past the 2 o'clock time.

The PRESIDING OFFICER. I believe the Senator has 2 minutes under his control, at any rate.

Mr. GORTON. Fine.

Mr. President, one of the finer customs of the Senate, one of the customs that makes it work in contentious times better than might otherwise be the case, is the custom of Senators to treat kindly their fellow Members and to speak well of them. I think that is a wonderful custom, and I have been its beneficiary on a number of occasions. But I must say, I have never been its beneficiary in such fulsome terms as were just applied to me by my friend and colleague, mentor, the senior Senator from West Virginia. I cannot claim to deserve all of those compliments, but I may appreciate them even the more for that.

I learned what I have learned in the service of the Appropriations Committee from him during his chairmanship, and the extent that I have had a success this year has been largely due to the advice and the guidance which the senior Senator from West Virginia has provided.

He has stated very well the difficulties under which this bill is presented to this body, the great contribution it makes to deficit reduction and the difficulty that that created in attempting to properly fund and instruct the agencies under its jurisdiction. I have also made a statement to that effect.

I will simply solicit the support of my colleagues for the bill which I believe reaches its goals well, considering the challenges with which we are faced, and I hope that the President will change his mind and sign it, as it will be much better than any alternative that he is likely to receive through a continuing resolution.

The yeas and nays have not been requested?

The PRESIDING OFFICER (Mr. COVERDELL). They have not.

Mr. GORTON. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the conference report to accompany H.R. 1977, the Interior appropriations bill for fiscal year 1996. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Texas [Mr. GRAMM] is necessarily absent.

The result was announced—yeas 58, nays 40, as follows:

[Rollcall Vote No. 604 Leg.]

YEAS—58

Abraham	Gorton	McConnell
Ashcroft	Grams	Moynihan
Bennett	Grassley	Murkowski
Bond	Gregg	Nickles
Burns	Hatch	Pell
Byrd	Hatfield	Pressler
Campbell	Heflin	Reid
Chafee	Helms	Roth
Coats	Hollings	Santorum
Cochran	Hutchison	Shelby
Cohen	Inhofe	Simpson
Coverdell	Inouye	Smith
Craig	Jeffords	Specter
D'Amato	Johnston	Stevens
DeWine	Kassebaum	Thomas
Dole	Kempthorne	Thompson
Domenici	Kyl	Thurmond
Faircloth	Lott	Warner
Ford	Lugar	
Frist	Mack	

NAYS—40

Akaka	Exon	McCain
Baucus	Feingold	Mikulski
Biden	Feinstein	Moseley-Braun
Bingaman	Glenn	Murray
Boxer	Graham	Nunn
Bradley	Harkin	Pryor
Breaux	Kennedy	Robb
Brown	Kerrey	Rockefeller
Bryan	Kerry	Sarbanes
Bumpers	Kohl	Simon
Conrad	Lautenberg	Snowe
Daschle	Leahy	Wellstone
Dodd	Levin	
Dorgan	Lieberman	

NOT VOTING—1

Gramm

So, the conference report was agreed to.

Mr. GORTON. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. GORTON addressed the Chair.

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

Mr. GORTON. Mr. President, before we move on to the next item, I wish to add to the list of thanks that I gave earlier in connection with this bill the name of Julie Kays from my own personal staff who has handled every aspect of this bill for me in a tremendously successful and skilled fashion.

UNANIMOUS-CONSENT AGREEMENT—CONFERENCE REPORT ON H.R. 2099

Mr. GORTON. Mr. President, I ask unanimous consent that following the disposition of H.R. 1561, the Senate proceed to the consideration of the conference report to accompany H.R. 2099, the VA-HUD appropriations bill, and that it be considered under the following time limitations: 30 minutes equally divided between the two managers, 10 minutes under the control of Senator BUMPERS, 10 minutes under the control of Senator HUTCHISON, 10 minutes under the control of Senator LAUTENBERG, 10 minutes under the control of Senator MCCAIN, 10 minutes under the control of Senator BOXER; further, that following the expiration or yielding back of time, the Senate proceed to vote on the conference report, and that following that vote, the Senate immediately concur in the amendment of the House to the amendment of the Senate, all without any intervening action or debate.

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

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

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

FOREIGN RELATIONS REVITALIZATION ACT

Mr. HELMS. Mr. President, I ask unanimous consent that it be in order to make the pending business S. 908.

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

Under the previous order, the clerk will report S. 908, the State Department reauthorization and reorganization bill.

The legislative clerk read as follows:

A bill to authorize appropriations for the Department of State for fiscal years 1996 through 1999, and to abolish the United States Information Agency, the United States Arms Control and Disarmament Agency, and the Agency for International Development, and for other purposes.

Pending:

Dole amendment No. 2025, to withhold certain funds for international conferences in funds were expended for U.S. participation in the United Nations Fourth World Conference on Women while Harry Wu was being detained in China.

Helms amendment No. 2031, to authorize reduced levels of appropriations for foreign assistance programs for fiscal years 1996 and 1997.

Kerry (for Boxer) amendment No. 2032 (to Amendment No. 2025), to express the sense of the Senate regarding the arrest of Harry Wu by the Government of the People's Republic of China.

Helms amendment No. 2041, to express the sense of the Congress regarding the consolidation and reinvention of the foreign affairs agencies of the United States.

Helms amendment No. 2042 (to amendment No. 2041), in the nature of a substitute.

The Senate resumed consideration of the bill.

AMENDMENT NOS. 2025, 2031, 2032, 2041, AND 2042, WITHDRAWN

The PRESIDING OFFICER. Under the previous order, the pending amendments numbered 2025, 2031, 2032, 2041, and 2042 are withdrawn.

The Chair recognizes the Senator from North Carolina.

Mr. HELMS. I thank the Chair. The Chair is absolutely correct. Mr. President, I believe there is a time agreement on this of 4 hours equally divided.

The PRESIDING OFFICER. The Senator is correct. There are 4 hours on the managers' time and the bill.

Mr. HELMS. Very well. Mr. President, before I begin, I will yield to the Senator from Montana to speak as in morning business.

I ask unanimous consent that it be in order for me to yield to the distinguished Senator 6 minutes, not to be charged to either side, at which time the time will begin running on the bill.

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

The Senator from Montana is recognized.

GO GRIZ

Mr. BAUCUS. Mr. President, I rise today to introduce a critically important resolution. It will restore the honor of our country, and my State of Montana in particular, in the face of an impudent affront leveled against us by the Governor of West Virginia.

Let me begin with a question. What would possess as many as 5,000 Montanans to leave our beautiful State and travel to a small town in West Virginia—of all places—for the weekend?

There is only one answer—and that is Grizzly fever.

As I have proudly told many of my colleagues, the University of Montana Grizzlies are traveling to Huntington, WV, to take on the Thundering Herd of Marshall University in the NCAA, Division I–AA National Championship. And on Saturday night, they will come home to Missoula as the national champions.

It takes a good football team to get that far. But the Grizzlies are not just a good football team—they are a great football team.

How great are the Grizzlies, some may ask?

Great enough to have trounced their playoff opponents. During the three playoff games, the Grizzlies scored a total of 156 points. Their three opponents managed to score a paltry 14 points; and two out of the three playoff games were Grizzly shutouts.

And the Grizzlies are great enough to have what I believe is the finest quarterback in college football today. Dave Dickenson, from Great Falls, is a three-time first team academic all-American, a first team all-American quarterback, and Dave will probably receive the Walter Payton Award next week as the best Division I–AA player in America.

Many West Virginians—including my friends Senator BYRD and ROCKEFELLER—may take pride in Marshall's winning record up to this point. That is fine. I see nothing wrong with acknowledging the accomplishment of the second-best team. But Governor Caperton crossed the line when he signed a proclamation naming December 16—the day of the game—Marshall University Day.

Now, normally, I am a strong supporter of States rights. But Governor Caperton has gone too far. His proclamation is a slap in the face to me and every other self-respecting Montanan. And it is an insult to the good sense of every American who follows college football.

Mr. President, sometimes State governments make mistakes. And on occasions like this one, they are whoppers. The time has come for Congress to step in and set things right.

That is why I am introducing my resolution today. It would recognize the Montana Grizzlies as the new national champions by proclaiming all of next week Montana Grizzlies Appreciation Week. It would also declare the unfortunate, unjust, and illegitimate proclamation by the Governor of West Virginia null and void.

If you still doubt the need for this resolution, tune in on Saturday. The game starts at 10 Montana time—that's noon in Washington on ESPN. It will be a great game.

Mr. HELMS. I can see why the Senator was eager to make a speech and make a reference to Montana. I congratulate him.

FOREIGN RELATIONS REVITALIZATION ACT

The Senate continued with the consideration of the bill.

Mr. HELMS. Here we are, Mr. President. As I was saying a few minutes ago, at long last, S. 908 is the pending business before the U.S. Senate—S. 908 being the plan to reorganize the State Department—a plan much maligned by all the bureaucrats who do not want to be folded into the State Department. They do not want to save any money. To their chagrin, it looks to me like we are going to save some money, not as much as we would have liked, but that is an issue we can work on in conference with the House. S. 908 was reported to the Senate more than 6 months ago, and I have never seen as many erroneous news reports about a piece of legislation in all of my 23 years in the Senate. The administration at every turn has vowed—and I use the administration's words—vowed to ''delay, postpone, obfuscate and derail'' S. 908. They made no bones about it. All of that was ignored by the great media of this country. There was just one Senator who was holding up the whole works—that fellow from North Carolina, HELMS—and they went after HELMS with a feverish attitude.

Our Democratic colleagues signed up and have refused to allow the Senate to work its will, but that did not make any difference to the news media. They reported that it was HELMS doing the holding up, when actually it was the administration and the Democrat Members of the Senate. Now, there was one Senator who was willing to negotiate and participate in the process, Senator KERRY of Massachusetts, to whom I shall forever be grateful.

It needs to be made clear that the Senator from North Carolina has never, never demanded that I get my way as press report after press report after press report claimed. I have never demanded that the Senate accept this authorization bill or that the administration agree to downsize Government by eliminating a few Federal agencies. I have never demanded that the Senate accept this authorization bill or that the administration agree to downsize Government and abolish some Federal agencies. I had hoped all of that would happen, and the bill was drafted for that purpose, but I never made any demand for anything—except that the Senate be allowed to vote on S. 908. I said from the very beginning, ''Let me have a vote and you will have your ambassadors.'' I have asked only that the Senate be allowed to conduct its legislative responsibilities and vote. Not once did I stipulate that S. 908 had to pass but just that it be voted upon. But the Democrats were afraid that if it were put up for a vote, the Senate would agree to abolish three Federal agencies—what a tragedy that would have been.

Since this process began months ago, the Foreign Relations Committee has acted on at least 58 of President Clinton's ambassadorial nominees—most of them political appointees, I might add. The committee has acted on six tax treaties and assorted other international treaties in that same time period. I have asked myself many times, what have we received in return? Until this date, nothing; nothing. There goes that obfuscation, delay, postponement, derailment.

I take issue with those in the administration and with my colleagues, especially the distinguished Senator from Connecticut [Mr. DODD], who at one point asserted that it was the ''height of irresponsibility to hold up nearly all other committee business over one piece of legislation.'' CHRIS DODD knows better than that, Mr. President. He is in charge of the political wing of the Democratic Party. He is perhaps experiencing a convenient amnesia, forgetting that as chairman of the Foreign Relations Subcommittee on Western Hemisphere in 1992, Senator DODD himself refused to schedule any subcommittee ambassadorial nomination hearings for an entire year. So when Senator DODD made his extravagant statement, I respond, ''Look who is talking.''

I could go on, but suffice it to say many of my Democrat colleagues have engaged in a bit of injured innocence when they weep such copious tears about the delay in Senate confirmation of several nominees. Now, were it not

for Senator KERRY's commitment, Senator KERRY of Massachusetts, his commitment to negotiate common ground, we would still this very afternoon be at an impasse. Everybody knows that there needs to be streamlining and consolidation of the whole Federal Government. It is one of the big reasons we have a $5 trillion debt hanging over the people of this country. Senator KERRY recognized early on and said, ''Yes, one or more of the three agencies stipulated in this legislation have outlived their usefulness.''

That is putting it the nice way. The truth of the matter is that all three of the agencies, ACDA [U.S. Arms Control and Disarmament Agency], AID [Agency for International Development], and the U.S. Information Agency [USIA] need serious pruning and, in my opinion, should be put on the short list to be abolished. I note that in reference to USIA, it was never our intention to undermine our international broadcasting capability, such as the Voice of America and Radio Free Europe. But I repeat, the ancillary agencies that cost billions of dollars have got to be toned down. That is what this bill is all about.

I remind my colleagues that it was Secretary of State Christopher who proposed to Vice President GORE's much-publicized Reinventing Government Office that the United States was obliged to restructure the U.S. foreign affairs apparatus for the 21st century. Secretary of State Christopher himself advocated the elimination of the Agency for International Development, the U.S. Information Agency, and the Arms Control and Disarmament Agency. Mr. President, Secretary Christopher went almost hat in hand down to Vice President GORE's office to plead that our foreign affairs apparatus needed a serious rethinking for the post-cold-war era. I remind my colleagues that is was Vice President GORE, the former U.S. Senator, who was chosen to be the No. 2 officer of this country and has spent much of his time in office proclaiming his intent to reinvent Government, to downsize Government, and to save the taxpayers money. I know of very few successful efforts of the Vice President in that regard, because somewhere along the line Vice President GORE, decided all of a sudden that the status quo was just fine, and Vice President GORE rejected out of hand Secretary of State Christopher's proposal. In doing so he became a captive of the very Federal bureaucracy he was supposed to reinvent.

By the way, this past January, it was the Vice President of the United States, AL GORE, who promised that he was going to save $5 billion in 5 years by cutting the U.S. International Affairs budget. S. 908, under the terms of the manager's amendment, mandates $1.7 billion in savings over 5 years. If $1.7 billion in savings ''jeopardizes the national interest'', what are we to have said about $5 billion? The local press would call such a draconian cut the policy of an isolationist if it were made by anybody on this side. They all applauded when the Vice President said it. But look at the facts. How did Mr. GORE come up with those figures? He yanked them out of thin air. Even Senate Democrats acknowledge that they cannot figure it out. They have asked for months—all of us have been asking for months—for the Vice President's proposals for all of these savings.

Finally, some of the more candid Senators on the other side of the aisle confessed. They admitted that the Vice President's plan had no basis in reality and it must have been the result of bad staff work down at the White House. So the emperor had no clothes.

It is worthy of note that the Vice President's book entitled ''Common Sense Government'' asserts that his recommendations on restructuring the U.S. foreign affairs agencies would be announced in the fall of 1995.

Mr. President, it is now the winter of 1995, and we are still waiting.

The fact is, we are never going to hear from him. We are never going to hear from his associates. They just do not have a plan. They do not know how to produce any savings. They do not have a clue. All they have are press releases, and those press releases, as it turns out, are not—and were not—worth the paper they were printed on last January.

S. 908, the committee's plan to abolish three Federal agencies and save $3 billion has been available to the administration in writing for more than 6 months.

By the way, I stress that the largest of these agencies—the Agency for International Development [AID]—is a temporary Federal agency, even though it was established a half century ago. Ronald Reagan used to say that ''There is nothing so near to eternal life as a temporary Federal agency.'' I think that is correct. The Clinton administration, the State Department, and the Vice President of the United States have yet to provide an alternative to S. 908. The administration has not even bothered to submit an authorization bill to the Congress this year.

So here we are. S. 908 is the pending business in the Senate. What goes around, comes around. As I indicated at the outset, 6 months after committee consideration of the bill, no thanks to the administration, the Senate Democrats have proposed an amendment to our bill.

Senator KERRY has just arrived on the floor. And I do not know whether he knows that I paid my respects to him while he was on the way over here. But I have, and I meant it. And I am grateful to the Senator.

The Kerry amendment, as I said earlier, mandates cost savings of $1.7 billion over 5 years. That is less than one-third of what Vice President GORE promised that he would save, and what S. 908 proposed to save at the outset. We are not saving enough in my judgment. Senator KERRY knows how I feel about that. We have been candid to each other. But I want to get started on this business of saving the taxpayers' money, and I think JOHN KERRY does as well.

I have had to console myself with the fact that saving the taxpayers $1.7 billion is better than saving the taxpayers nothing. Of course, it would have been far better if Senator KERRY had been permitted to fulfill his original offer in committee to abolish one agency and save $2 billion over 4 years. In fact, at the markup of S. 908, the able Senator from Massachusetts strongly stated that he was prepared to move forward on the one agency abolition, and that he would not back down on that proposal. I thinks it is too bad that he did.

Remember, Mr. President, the original intent of the pending bill, S. 908, was to abolish three agencies. The Democrat's compromise proposal was to maintain status quo—leave all three agencies fully functioning and just ask them to save a few billion dollars. The managers' amendment requires the President of the United States within 6 months to send up a plan to downsize, consolidate, and streamline. And, if the President fails to do it, three Federal agencies will be abolished just as we proposed in the beginning. The ball is going to be in the President's court. The clock on that 6 months starts ticking when S. 908 (or H.R. 1561) is enacted.

So as I said at the outset, Mr. President, here we are. While the main focus of this managers' amendment is on reauthorization, it needs to be borne in mind that this is a 4-year authorization bill for the Department of State.

Also, the managers' amendment modifies several other sections of the bill. For example, we agreed to modify some provisions relating to the U.S. relationship with the United Nations. One in particular that has bothered me is the provision restricting the share of U.S. intelligence with the United Nations. At the administration's insistence we have replaced that provision with a much less stringent one.

I, for one, agree with Senator SNOWE of Maine. The original provision was proposed by Senator SNOWE and it was much tougher. I agree with her that the administration should be required to make the case to Congress as to why it is crucial for the United States to share intelligence with the United Nations which includes in its membership countries such as Iraq and Cuba.

We also agreed to remove section 603 which is a provision dear and near to my own heart. The provision would provide asylum for immigrants who are fleeing the policies of their home countries that will force them to abort their unborn children or force them to be sterilized, as the case may be. The silver lining in this decision is that this provision is included in the House bill and, therefore, I expect to strongly support the House language in the House-Senate conference on this bill.

We modified section 604 to authorize payments from frozen Iraqi assets for United States claimants. A similar provision was approved in committee by a bipartisan vote of 10 to 8.

Section 168 restricting the issuance of visas to those who traffic in expropriated property was deleted at the behest of Senator DODD of Connecticut who has stated that he would prefer that issue be dealt with in the conference on the Cuban Liberty and Solidarity Act, H.R. 927.

Mr. President, another important aspect of this agreement is that the Senate will provide for the appointment of conferees upon final passage of this measure sending H.R. 1561—the House companion bill—to the House, and requesting a conference.

On Tuesday, the Foreign Relations Committee reported out—true to my promise—18 pending nominees, and the START II treaty.

The previous unanimous consent agreement provides for en bloc consideration of the nominees upon final passage of S. 908. The majority and minority leaders have agreed to make every effort to finish START II as expeditiously as possible.

A few more thoughts and I will be through.

Early next year the Foreign Relations Committee will begin active consideration of the Chemical Weapons Convention, including additional hearings and additional steps necessary to full committee consideration of this treaty by April 30. I feel obliged to assert that I remain opposed to the Chemical Weapons Convention. Until this administration comes forward with a public explanation of precisely how this treaty can be verified, which it cannot do and has not done yet, I cannot imagine that the Senate will be prepared to take action on the treaty. But that remains to be seen.

The road to redemption was not traveled in one day. It began with one step in the right direction, and that is where we find ourselves today. The Democrats have taken this step by recognizing the necessity of consolidating the U.S. foreign affairs agencies and agreeing to mandate cost savings and by concurring that the Secretary of State should be the primary foreign policy adviser to the President of the United States. Ultimately, the President and our Nation's foreign policy will benefit from this reorganization which has been endorsed by five former Secretaries of State, who, in the process, one after another, conferred with us and helped us in the drafting of the bill.

Let me say this, and I shall yield to the distinguished Senator from Massachusetts.

The world has changed dramatically during the past 10 years. The State Department has not. The issue of consolidation and restructuring is not going away this year, and it is not going away next year either. I pledge that. Brian Atwood, for example, will have to rethink his jubilant declaration this past October when he said, ''AID has survived a bruising political battle.'' That remains to be seen.

Down on the Archives building, not far from the Capitol, is a piece of marble that has the words, ''What is past is prologue.'' Somebody asked a friend of mine what that means, and he said, ''That means 'You ain't seen nothing yet.'''' So, Mr. Atwood, I would say, ''You ain't seen nothing yet.''

What has happened here is not the beginning of the end, it is the end of the beginning. Eventually—eventually—the American people are going to have their say. And to the length of my cable-tow, they also will have their way.

I yield the floor, and I assume the distinguished Senator from Massachusetts wishes to make a statement.

The PRESIDING OFFICER (Mr. THOMPSON). The Senator from Massachusetts.

Mr. KERRY. Mr. President, I thank my distinguished colleague. I was not here when he made some very generous comments about my participation in this, and I am appreciative of what I have been told that he said.

As I said the other night, for myself I want to thank the Senator from North Carolina for his patience and for his forbearance in this process. It has been a difficult process, as many have said, but I will say that in all of the dealings that he and I have had, there was never any rancor or any raising of voices. We argued and debated and pressed and pushed, both of us, for positions that we believed in. In the end, what we have here is a compromise, as it ought to be, and I think it is a fair compromise. I think it is a sensible compromise. It is a compromise that recognizes the changes that are sweeping over all of Government and Washington. It recognizes the imperative of that change, which no agency or entity of Government ought to be exempt from unless they can prove, beyond all doubt, that they ought to be.

Mr. President, I am pleased that Senator HELMS and I have reached agreement on a manager's amendment and that the months-long impasse over this bill and the nominees and other issues linked to movement on this bill has come to an end. The process has been long and at times trying. In the eyes of many it was about politics, not policy, but that is not the case. From the very beginning there have been real substantive disagreements over the consolidation language in this bill and over many other policy provisions, such as those mentioned by the distinguished ranking minority member, Senator PELL.

This managers' amendment is a compromise in every sense of the word. On the key issue of consolidation, Senator HELMS and his Republican colleagues on the committee agreed to accept my proposal which preserves the President's prerogative to determine how the foreign affairs agencies—that is the State Department, AID, USIA, and ACDA—will be reorganized. This proposal provides the President with flexibility. It does not abolish any agencies, unless the President fails to send a plan to Congress, but it does require the President to save $1.7 billion over 5 years through reorganization and consolidation. Recognizing that programmatic reductions are a byproduct of consolidation, it allows him to achieve up to 30 percent of that savings from programmatic reductions.

I believe that this proposal will result in some serious and beneficial streamlining and consolidation of our foreign affairs apparatus. In my view this is necessary in light of the cuts that are being imposed on the budget in all areas including foreign affairs. I share the concern of many of my Democratic colleagues about these cuts. The international affairs budget is only 1 percent of the Federal budget, and it is 1 percent well spent when one considers our needs and interests abroad. But like it or not, funding for foreign affairs programs has been declining over the last decade and will continue to decline under whatever agreement is reached for balancing the budget in the next 7 years. Against this reality, we must find a more efficient and cost-effective way to make and implement policy while still preserving critical programs. I think the approach we have in this bill will enable us to do that.

I recognize that some are concerned that the Senate position on consolidation, as reflected by this managers' amendment, will be reversed or changed in conference. Senator HELMS and I have agreed that the Senate conferees will operate under consensus with respect to the main elements of my consolidation proposal, that is mandatory cost savings, abolition of the agencies and the limitations as to where cost savings may be achieved. It is imperative that any changes in the Senate position on consolidation reflect agreement among all the Senate conferees because this issue is at the heart of the bill.

Senator HELMS and I have also agreed that we will work in conference to increase the authorization levels for the operating accounts of the agencies affected by this bill. We must ensure that the authorizations for these accounts are in concert with the savings we are seeking through reorganization and consolidation and that we do not undermine the President's ability to reorganize by decimating the operations of these agencies through the authorization process.

As we are all aware disagreements over this bill resulted for many months in inaction by the committee on 18 ambassadorial nominations, 4 FSO promotion lists, and the START II treaty. On Tuesday the Foreign Relations Committee favorably reported these items to the Senate. Once we act upon this bill, the nominees will be approved by the Senate en bloc pursuant to a

unanimous-consent agreement reached last Thursday. When the START II report is filed, the Senate, pursuant to another unanimous-consent agreed to last Thursday, will begin consideration of the treaty. I believe there is overwhelming support in the Senate for this treaty and I hope that we will be able to complete action before the Senate recesses. If we do not, however, the majority leader has given his commitment that we will finish action on START II at the beginning of the next session. I think these are positive developments, as is the procedure we have worked out for committee consideration and action on the Chemical Weapons Convention.

I am hopeful that with these positive steps, we can begin to restore the bipartisanship traditionally characteristic of the operations of the Foreign Relations Committee. The chairman has assured us that the committee will resume normal activities including scheduling of hearings and action on all currently pending nominees and other committee business. I believe all of us on the committee, Democrat and Republican alike, agree that this is in our joint interest and that of the country.

Mr. President, I think most of us approached the issue of how to deliver our foreign policy and how to implement the various missions of the various agencies that do deliver that foreign policy. Most of us approached this with a sense that we can do it more efficiently, that we have not patented perfection with respect to it. There are areas of waste. There are areas of duplication. There are areas where we can do some consolidating, possibly even some merging. But we also recognized that within that framework it is important to acknowledge and honor the prerogatives of a separate branch of Government, the executive branch.

So, some of us pressed very hard for the Presidential prerogative of being able to line up their own ducks, of being able to make a decision as to which agencies to conceivably consolidate, or what the order ought to be. I think most people feel, particularly in the arena of foreign policy, that is the fair prerogative of the President of the United States. We have preserved that prerogative in this compromise. So the principle of consolidation, the principle of merger, the principle of efficiency is embraced in the compromise, but the principle of the separation of powers and the Presidential prerogative in foreign policy is also embraced in this compromise.

In addition to that, I believe the level of savings represents a realistic beginning. I think the Senator is perfectly correct in saying the ultimate goal here is for all of us to respect the desires of the American people to have the most efficient expenditure of their tax dollar. This is their dollar and this is their Government, not ours. We represent them here.

So, there are many in this country who have second thoughts about some of those expenditures in the foreign field, but there are also many people who have enormous commitment to much of what we are trying to do abroad—for very little.

I always ask audiences when I am asked a question about foreign policy when I go home and talk to people in Massachusetts how much money they think we spend in foreign policy. It is fascinating to listen to the response. Many people have a quick response, 20 percent, 20 percent of our budget. More often than not, it is in the low sort of double digits: 12 percent, 11 percent, or the high single digits. Almost invariably, I would say 75 percent and higher of the number of hands that go up in an audience, will pick 4 percent, 5 percent, rarely less than 3.

I was at a teachers convention not long ago and only one teacher out of about 200 correctly picked the amount of money that we put into foreign policy in this country: 1 percent. Less than 1 percent of the total budget of the United States of America leverages our global interests.

That is not a totally fair assessment because obviously we invest in the Defense Department. That is a very big investment and that is a serious component of our projection of force abroad and our interests. But in terms of assistance to other governments, in terms of population, environment, the kinds of things we try to do with respect to international narcotics through the State Department and a host of those efforts, we are talking about 1 percent and less of the entire Federal budget.

Many of us on our side of the aisle are deeply concerned that in a world that is more global, in a world that is less centralized in its conflicts, where we no longer have the kind of bipolar, easily definable East-West tension that defined most of the history of this country since 1945, in that world there may well be more need to think about increasing things like the Foreign Commercial Service officers in various developing countries.

When I was in Hong Kong over a year ago, I was struck by the fact that in the Foreign Commercial Service in Hong Kong, the several people that we have there said to me, ''Senator, we are missing billions of dollars of contracts for our companies in America.'' Those billions of dollars of contracts translate into thousands of jobs. For every $1 billion of exports, there are 20,000 jobs created in the United States of America. They said to me, ''Because we only have,'' I think—I cannot remember the exact number, it was in the single digits—''Because we only have this few number of people here in Hong Kong, we cannot keep up with the requests for proposals. We cannot keep up with the meetings that we could be putting together for people to be able to be married to a deal.''

''If you people''—meaning us—he said, ''were to have enough foresight to just give us 10 more people, we would pay their salaries within 1 month.'' That seems to me to be a reasonable return on investment.

That seems to make sense, but that is not necessarily—and I underscore necessarily—what will happen with this budget. Could it happen? The answer is yes.

Under the consolidation, if the Secretary of State and the President were to decide that is an imperative and we ought to put more people into that than have some people on some other desk, we can make that happen. But I think most people feel many of those other desks are also competing with things ranging from international environmental accords to international questions of refugees to international questions of immigration to international questions of crime to international questions of terrorism, all of which in this less bipolar world present us with a whole different set of choices.

Mr. President, I do not want to go on at great length. I think our effort is to try to expedite this this afternoon. There is no reason at this point to speak at great length, but I do want to simply say, many people on our side of the aisle were deeply concerned about the level of reductions, and that is why we are starting out at the $1.7 billion. It may well prove that in the consolidation program that, hopefully, we will set up within the timeframe within this bill—I am confident that we may find there is rationale for doing more. And we may also find there is a clash of reality that is impossible and that this is, in fact, too significant.

Let me say also that Senator HELMS and I have agreed that we will work in the conference committee to increase the authorized levels for the operating accounts of the agencies that are affected by this bill. We have to ensure that the authorizations for these accounts are in concert with the savings that we are seeking through the reorganization and consolidation, and we do not want to undermine the President's ability to reorganize by decimating the operations of these agencies through the authorization process itself.

We are also gratified that part of this agreement now sees the ambassadors about to be eminently improved and the START II treaty to come to the floor, hopefully, within the next day or so, certainly within the next days.

I am particularly grateful for the commitment of the chairman to guarantee that the committee will act on the Chemical Weapons Convention, and it is obviously our hope that we will be able to either improve it or change it, if it needs improvement, but ultimately the full Senate will be able to act.

I share with my colleague from North Carolina concerns about it in its current form. There are issues of verification. There are legitimate reasons for the committee to want to do its business over the course of the next months.

Moving at this point in time, Mr. President, to a consideration of the START II agreement, for which I think there is extraordinarily small opposition within the Senate, if any, is very, very important in the context of events in Russia, the elections, and also our own interests in reducing some 4,000 strategic nuclear weapons from the arsenals of both ourselves and the former Soviet Union, including the SS–18, which was always the most imposing weapon that was pointed at the United States of America.

I think that moving forward on that treaty is enormously important, and it is one of the reasons why this compromise is so welcome.

I want to say, finally, that I think all of these steps are important, positive steps, which I believe, in the spirit that the chairman has described, can help to bring us back to a bipartisan, joint effort to try to utilize this committee to help address the major questions that we have in the country with respect to foreign policy, and I am confident that with all of our good efforts it can, in fact, do that.

Mr. President, it is my pleasure to yield to the distinguished former chairman, the ranking member of the committee, for his comments at this time.

Mr. PELL. I thank the Senator very much indeed.

Mr. President, I support the Managers Amendment to S. 908 negotiated by Senators KERRY and HELMS. I was opposed to S. 908 as reported by the Foreign Relations Committee, and regretted at the time it was reported that the committee appeared to have abandoned a long tradition of bipartisanship in crafting the State Department authorization bill.

Consequently, I am pleased with the results of the negotiations that are reflected in this managers amendment. I congratulate Senator KERRY, who so ably managed this bill on behalf of the Democrats. He did this in a skilled, professional and brilliant way. I also congratulate Senator HELMS for his willingness to work with Senator KERRY and Democratic members of the committee to achieve this constructive resolution to many of the serious disagreements related to S. 908.

The managers' amendment makes significant improvements in the bill with respect to two critical areas: the reorganization of the foreign affairs agencies and those provisions related to the United Nations and its specialized agencies.

As we all know, much of the opposition to this bill focused on the mandatory abolition of AID, USIA, and ACDA and the transfer of some of their functions and personnel to the Department of State. I was particularly concerned that ACDA would be abolished because I feared that it would eliminate the independent voice on arms control issues that every President should have, and a concept which every President since President Kennedy has supported.

I am pleased that the compromise takes a different approach. No agencies are abolished, except in the event that the President fails to send a reorganization plan to the Congress. The driving force of reorganization is the requirement that the plan save $1.7 billion over 5 years. In my view this is the correct approach as it encourages the President to reorganize while at the same time preserving his prerogative to determine how that reorganization is done.

As reported by the committee, S. 908 also contained a number of troubling provisions designed to restrict U.S. participation in the U.N. system. For example, some placed conditions on the payment of our assessed contributions to the United Nations for membership and peacekeeping. The managers' amendment which Senators HELMS and KERRY are offering improves a number of these provisions and deletes others. I applaud these changes because we cannot exert leverage at the United Nations if we cannot fulfill our financial and other obligations in full.

Finally, with the adoption of this managers' amendment and the passage of S. 908, the Senate will proceed to the confirmation of a large number of ambassadors and the consideration of Start II. I have previously expressed my deep concern and regret over the holding up of the important business of the Foreign Relations Committee and the nation because of significant differences of opinion over just one piece of legislation, particularly if that one piece is unrelated to the main body of the legislation and other matters that are being held up.

In my 30 years of service on the committee and 8 years as chairman, this was unprecedented. With this action today, however, I am very optimistic that the new year will bring a return to the committee's traditional bipartisan approach to addressing the foreign policy issues before the Senate. We clearly will not agree on all these issues, but I hope we will agree to disagree and work where feasible to reflect the concerns of all members in the committee's deliberations. This managers' amendment, and the committee's 18 to 0 vote on Tuesday, December 12, to report the Start II treaty to the Senate, are examples of our potential for the new year. As ranking minority member of the Committee on Foreign Relations, I pledge to work with our chairman to address the issues before our committee in the new year in a bipartisan and constructive manner. Although we have agreed to disagree on many policy issues, we are friends and colleagues with a long-standing mutual respect for each other.

I yield the floor.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I rise today to register my opposition to S. 908, the State Department authorization and reorganization bill. Before I begin briefly to state my reasons, let me compliment both the Senator from Massachusetts, Senator KERRY, and the chairman of the full committee. I compliment the chairman, my friend from North Carolina, for being a consummate legislative craftsman. He held us hostage very effectively for a long time. I do not think we would even be talking about this compromise bill were it not for the fact that the START Treaty was held up, that all the ambassadorial nominations were held up, and that we asked Senator KERRY on our behalf to see if he could free them up. It reminds me of those buttons we used to have around here when we would have long sessions, ''Free The 89th Congress'' or free this or free that.

Well, this was ''free the Ambassadors'' and ''free our national security'' so we could have the ability to continue to destroy Soviet nuclear weapons and continue the rational arms control regime that was begun with President Nixon and went straight through the administration of President Reagan.

This is not a backhanded compliment. I think one of the most fierce and effective legislative foes one could have in this body is the distinguished Senator from North Carolina. I do think, however, that the way my friend from North Carolina went about this one was unprecedented, and I hope it is not repeated.

On that score, I wish to make it clear to my friend from Massachusetts, Senator KERRY, why, after all his hard work, I am still opposed to this bill. He did a great job. We are going to have a START II Treaty, God willing and the creek not rising, and we are actually going to put ambassadors out there after the rest of the world wondered where the devil they were.

Let me say at the outset that I admire the skill of both the gentlemen who have brought us this agreement. I do not, however, admire the product that has been brought.

No one disputes the need to constantly scrutinize our Federal bureaucracy to look for overlaps and redundancies and opportunities for streamlining.

In this case, though, the three agencies that I will now mention will, in my view, be emasculated by this bill. The Agency for International Development and the United States Information Agency effectively are mandated for closing. Most important in my view is the supreme irony that just as we finally are allowed by the chairman of the Foreign Relations Committee to free up the START II Treaty, this bill would severely cut the Arms Control and Disarmament Agency.

All of the three agencies I have just mentioned have been streamlining themselves and cutting overlapping functions. All three of them have already been taking a good, hard look at their missions and have been responding to changing circumstances.

The Agency for International Development, for example, has pioneered enterprise funds, which have created

partnerships between the private sector and the Government.

USIA has attempted to utilize modern information technologies to spread the message of the United States to the rest of the world. It has also entered into local partnerships whenever possible to conserve funds.

Perhaps the biggest mystery to me is why the advocates of this bill think that the Arms Control and Disarmament Agency has outlived its usefulness. In the confusion of the current post-cold-war era, the danger of the proliferation of nuclear weapons has dramatically increased, not decreased—I repeat, dramatically increased.

Now more than ever, the critical independence of ACDA is needed to counter the natural tendency of the State Department to defer to bilateral relationships in sticky situations.

Another irony is that those proposing the cuts are the very ones who have been most critical of the State Department for allegedly having an instinct to become captives of the countries with which we deal.

ACDA has a proven track record of nonpolitical expertise, which we can ill-afford to lose at this time.

The situation at the State Department, which would absorb the agencies whose independence is to be sacrificed, is hardly any better. Mr. President, the Department of State, the principal vehicle for carrying out American foreign policy, has already been forced into debilitating reductions.

The international affairs budget is now 45 percent lower in real terms than it was in 1984. Altogether it represents only 1.3 percent of Federal spending. Over the past 3 years alone, the State Department's budget has been decreased in real terms by 15 percent at the same time the Department's responsibilities have increased with the emergence of new countries in the wake of the breakup of the former Soviet Union. Moreover, since 1993 there has been a 30-percent increase in passport issuances to U.S. citizens to travel abroad.

What has the result been? The State Department has taken the following actions to reduce the cost of conducting U.S. diplomatic and consular relations.

First, it has cut its total work force by 1,700 persons.

It has downsized the Senior Foreign Service by 19 percent. And here, Mr. President, I submit that we are wasting a precious national resource, the kind of expertise built up over the decades that in the short term simply cannot be replicated.

It has also reduced overseas allowances.

It has cut its administrative expenses by almost $100 million.

It has reduced expenditures on diplomatic security by 15 percent. And, Mr. President, I doubt anyone would claim that we live in a safer international environment.

It has had to cancel, which I find astounding, the 1995 Foreign Service examinations—I repeat, has had to cancel the 1995 Foreign Service examinations. That means, of course, that our country is cutting off any chance of attracting the best and the brightest of our college and university graduates into the diplomatic service this year. Talk about being penny-wise and pound-foolish. My goodness.

The State Department has been forced to slate 19 overseas posts for closure in fiscal year 1996. The list of these posts makes the hair of any internationally minded American stand on end. Permit me to elaborate a bit on this point, using Zurich, Switzerland, as an illustrative example of the folly that congressionally induced budget slashing has wrought. Zurich is, of course, Switzerland's largest city and its economic and financial center. In fact, it ranks as the world's fourth largest financial center. Many American multinational corporations have their regional headquarters there, including Dow, Kraft, General Motors, and many others. In the other direction, Switzerland was the second largest foreign direct investor in the United States in 1994.

So, Mr. President, what do we do? We close the consulate in Zurich, Switzerland, which does not make a lot of sense. I do not think it is a stretch to say that Zurich is a rather important city to American business. Apparently other countries also perceive Zurich's central position in international finance and trade; 59 other countries have consulates there. As one might expect, all of the other leading powers in the world have representation in Zurich, but smaller nations also consider it in their interest to be represented in Zurich—The Gambia, Lesotho, Mongolia, Nepal, Rwanda, the Republic of the Seychelles, Swaziland, Vanuatu. The list goes on.

Mr. President, with all due respect to our friends in The Gambia, Lesotho, Mongolia, Nepal, Rwanda, and so on, I find it rather incredible to believe that their governments can somehow find the funding that they need to keep consulates open in Zurich, and the United States of America, the world's only superpower and largest economic engine in the world, cannot. We cannot find the money to keep a consulate open in the vitally important city of Zurich, a consulate, I might add, that I have never visited.

But let me not be too Eurocentric, Mr. President. Another post slated for closing, thanks to congressional budgetary wisdom, is Medan, Indonesia. As you know, Indonesia, with a population of over 200 million people, is the fourth largest country in the world.

It is also the largest Moslem-majority nation on Earth. Its economy offers numerous opportunities for foreign investment. And Medan, after the capital Jakarta, is Indonesia's most important commercial center.

Other countries with consular offices in Medan include Belgium, Germany, Great Britain, India, Japan, Malaysia, the Netherlands, Norway, the Russia Federation, Singapore, Sri Lanka, Sweden, and Thailand. Why are they there? To do business.

So, Mr. President, after we take down the Stars and Stripes and close our consulate in Medan, what will happen when an American corporation eager to break into the Indonesian market goes to Medan? Our American corporate representative can walk down to the the Japanese consulate where the nice Japanese attache will undoubtedly be happy to help out with business contacts and other valuable information that the American corporation needs.

Although this bill is largely a creation of the majority party, there is plenty of blame to spread around. I regret to say that the administration, in its zeal to reinvent Government, has aided and abetted the feeding frenzy of the small Government ideologues.

To be fair, this bill can be viewed as but the logical culmination of a decade of denigrating the nonmilitary component of American foreign policy. Most of us, this Senator included, have voted for reductions in one area of foreign policy or another to spare what we deem to be more important programs.

But, Mr. President, this goes overboard. This bill goes far beyond what we have seen before. Previous cuts in the budget for carrying out our foreign policy, whether they were proven correct or not, were at least undertaken with a view toward strengthening the international role of the United States of America.

As I have demonstrated earlier, the agencies charged with executing our foreign policy have not been ''fat cats'' of the Federal budget, unwilling to change. On the contrary, Mr. President, they have absorbed massive cuts up to this point. I repeat, the international affairs budget is already, before we pass this bill, 45 percent in real terms below what it was in 1984. And as I have said, the State Department, USIA, ACDA, and AID have already implemented severe staff reductions. Moreover, we are talking about only 1.3 percent of Federal spending here.

So, Mr. President, I think it is totally false to assert either that our foreign policy agencies have not reformed themselves or that the very carrying out of our foreign policy is a ''big ticket'' item in the Federal budget.

No, Mr. President, the impetus for this proposed legislation is not rooted in demonstrated need. On the contrary, I am sorry to say, the bill has its genesis in a strain of isolationist thought that harkens back to the 1920's and 1930's, which many of us thought was but an unpleasant memory.

By imposing crippling budget cuts on three foreign affairs agencies that have served this country well for decades: the Arms Control and Disarmament Agency, the Agency for International Development, and the U.S. Information Agency, I think this bill virtually

assures their demise. That is part of the bill's purpose.

Moreover, Mr. President, the State Department, which would inherit the remains of those agencies, would itself be forced into yet another round of devastating cuts. Some of those consequences, as I have earlier indicated, would be absurdly funny were they not so tragic.

Mr. President, this bill represents backdoor isolationism pure and simple. At a time when international affairs has become more complex, its passage would signal to the world an American desire to simplify what cannot be simplified.

Combined with Republican-mandated cuts in the already meager foreign assistance budget, this bill would lead ineluctably in a few years to a situation in which the American President would have little choice in an international crisis between doing nothing and sending in the military. This bill, I believe, is the worst kind of ideologically-driven false economy. It is a dressed-up isolationist exercise. It is not worthy of a country that claims the mantle of world leadership.

I know that many of my colleagues share my deep misgivings about this Congress' evident desire to shrink America's international role. Opposition to this bill offers an opportunity to reassert the centrality of America's involvement in the world. I urge my colleagues to join me in voting against S. 908.

I yield the floor.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, I am not going to debate the distinguished Senator from Delaware. I will say, he has a very selective memory. And like all of us, I suppose he remembers things that have not happened. But that is all right. The Senator forgot, for example, to mention the continuous efforts on our part to persuade the administration to engage in negotiations.

On August 11 of this year I had persuaded, through a friend in the White House, the White House to have the President invite me and our staff to the White House to brief the President on our legislative proposal. What it in fact proposed and what the critics of it said it would propose were two different things.

President Clinton was entirely gracious when we arrived. We did not meet him on the first floor. He took us up to the family quarters. And we spent 1 hour and 20 minutes demonstrating the details of the proposal. Vice President GORE was there, as was the Secretary of State, the White House Chief of Staff, and the Deputy National Security Adviser. I sat between the President and the Vice President, as a matter of fact. Several times during the briefing the President leaned over to me and said, ''Who could be against that? Who could be against that?'' disclosing clearly that he had not been informed about what the bill in fact proposed and now proposes.

Acting in his name had been a concert of the bureaucrats heading the three agencies, the three agencies that five Secretaries of State, plus Warren Christopher, the President's Secretary of State, had stipulated ought to be abolished and folded into the State Department because they had become anachronisms of a bygone era.

Senator BIDEN is also wrong about this bill having anything to do with the cancellation of the Foreign Service examination. The closing of diplomatic missions was not only a recommendation of the last two administrations, as I said in my opening remarks, but also of the President of the United States.

So it is unfair—and I know that the Senator from Delaware does not intend to be unfair—but he is following the same line that the news media have followed from the very beginning.

Why did five former Secretaries of State help us draft this bill and publicly endorse it? Why did the present Secretary of State go down to the White House and propose, in large measure or in some measure, what we are proposing with this S. 908? Those are things that the Senator from Delaware just smooths over. And I know he does not intend to be unfair because he is a fair individual. He and I came to the Senate the same day.

This bill is intended to strengthen the Secretary of State organizationally speaking. Warren Christopher wanted it done but he was rebuffed. Now, if you disagree with Mr. Christopher, that is your business, I will say to the able Senator from Delaware. But the fact is, there have been changes in this world, as I tried to emphasize in my own remarks. And the U.S. foreign policy apparatus must change with the times.

Let me address a statement that is so often made by the State Department and various others and political operatives who support the status quo. Senator KERRY said over and over again in his remarks that spending on the U.S. foreign affairs budget takes up only 1 percent of the Federal budget, I believe he said 1 percent. Well, the 1.3 is correct, but it is not incorrect to say that that is what is spent on operating the foreign policy apparatus because the foreign policy apparatus reaches out and utilizes the rest of Government, and the cost of what they reach out and get greatly increases that figure because the 1.3 does not include spending on foreign policy objectives from our domestic accounts. That figure does not include the money usurped from the Department of Defense. I mentioned the $2 billion spent on Somalia. I mentioned the nearly $2 billion that has been spent on Haiti, thus far, and much more is going to be spent in Haiti before we are through.

The Lord only knows how much is going to be spent in and on Bosnia; $2 or $3 billion has been mentioned. It is going to be at least that much, and probably substantially more. Thirty-two Federal agencies run almost $2 billion in international exchanges every year. The point is, the American people must not be deceived or misled into believing that we only spend 1.3 percent, or 1 percent, of the Federal budget on our foreign policy. It simply is not so, and that deception ought to be brought to an end.

Mr. President, I yield the floor.

Mr. BIDEN. Mr. President, I do not want to get into a debate with my friend, and there is nothing personal about what I said. Let me reiterate what I actually said. My criticism and compliment to my friend from North Carolina was not that he was original in what he has done, in the sense that he had support from like-minded former Secretaries, or even, at one time, from the present Secretary, or perhaps even from the President. My comments related not to him—it is not what he proposed but the fact that he denied us our ability to dispose of ambassadorial nominations and the START II Treaty.

My disagreement is not only with him on this legislation. I also mentioned the Secretary of State when we were referring to the State Department and the President of the United States. I think, with all due respect, all the supporters of this effort are being shortsighted. So the chairman is not alone in what I characterize as ''shortsightedness'' as it relates to what our policy should be. My reference to him was explicitly for his unique ability to fashion a way to get his point across in this case, which was by denying us the ability to dispose of the START II T treaty and dispose of ambassadorial nominations, all of which were ready to go. I complimented him on his ingenuity.

I have tried to learn from him. We have been here together since January 1973, and I have watched him, and Democratic predecessors, like the deceased Senator Jim Allen, and others, use their great skills to be able to get the results that they sought. I compliment him on it, but I think it is the wrong way to do it. I think it was a high price to be paid in order to get agreement.

So I want to be clear. He was not original in his notion that we should cut these consulates. He joined other, I think, wrong-headed proposals to close them. My reference to him was explicitly that I hope we do not have a repetition of shutting down the business of the committee while we arrive at a conclusion that is satisfactory to whoever the chairman is then.

The distinguished Senator from Rhode Island has announced his retirement. The Senator from North Carolina and the Senator from Delaware are seeking reelection. The Lord only knows, and our constituents know, whether both of us will be back, and the odds are that he may be back as chairman. But it is also possible that the Senator from Delaware may be back as chairman of the committee.

That is the only reference that I was making. It seems to me that what he did was legal use, in a senatorial sense, of the power of chairmanship, but I think unprecedented and, I hope, not to be repeated.

I yield the floor.

Mr. HELMS. It is not a violation of the rules, and it is not undesirable unless the other guy is doing it to you. I remember when the other side was in the majority, with a different chairmanship. I must say that Senator PELL has always been a thoroughbred gentlemen. I have said that in many public forums, and I think he knows I mean it. I hope that some may later on think that I am a gentleman, too.

But I am interested in getting the job done. I reiterate, as I said at the very outset this afternoon, that this could have been handled months ago if the other side had been willing only to let the Senate speak on the bill. But, no, no, the first day when it came up, they brought out Mr. KENNEDY from Massachusetts to speak for 1 hour and 20 minutes on the minimum wage. Some things are hard to understand. But I figured out, after a while, that they were filibustering, that they did not want the Senate to speak its mind on this bill. It began there. But if we had had a vote, no Ambassador would have been held up. And if we let the Senate function as it is intended to function from now on, no Ambassador will be held up in the future.

I am going to use every technique that comes to my mind to try to do the best I can for my country. Now, if the Senator wants to talk about what it costs to operate the foreign policy establishment, we can get into details like, why did the United States State Department, or the foreign aid apparatus, have 600 people stationed in Cairo, Egypt, alone to give away money? Since I brought it up, they have reduced, somewhat, the number of people in AID, the Agency for International Development, stationed in Cairo. It is something over 400 now. But they did not do a cotton-picking thing about it until I began talking about it in this bill. I am going to do the best I can for what I believe in, and I know the Senator from Delaware feels the same way about it. We will do the best we can together.

I yield the floor.

Mr. SARBANES addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Mr. SARBANES. Mr. President, let me say that the way this situation developed is, the Senator from North Carolina, the chairman of the Senate Foreign Relations Committee, reported from the committee a reorganization bill on a 10–8 vote, a straight party-line vote. There was no bipartisanship on that issue. He then sought to bring that bill up on the floor and was not able to get 60 votes in order to invoke cloture. Now, pushing the other side to invoke cloture is not a tactic strange or unfamiliar to the distinguished Senator from North Carolina. He is one of its more avid practitioners here in the Senate.

So I am not moved by the fact that his measure, in effect, was blocked because they were unable to produce the 60-vote margin. They tried to do it and fell short on two occasions. Not having been able to get his way on this important substantive matter about which there were great divisions, a lot of strong feelings, and a lot of differing views about what was appropriate, the Senator from North Carolina proceeded to take the ambassadorial nominees hostage. He shut down the work of the Senate Foreign Relations Committee, of which he is the chairman, holding up such important matters as the START II treaty and the Chemical Weapons Convention.

In other words, because he could not get his way on a substantive matter, he then refused for 4 months to allow the committee to carry out its functions and responsibilities. We were not able to do any business—no legislation, no nominations, no treaties. This is hostage-taking par excellence.

Then we are being told, you have to negotiate. The United States says to the world, if you take our people hostage we will not negotiate under those circumstances. We will not be coerced that way.

Now, I have never, in the time I have served here, encountered anything comparable to what has occurred in this instance, in terms of grinding the whole range of work to a halt—particularly by the chairman of a committee, which, after all, carries with it certain important responsibilities.

I remember the former chairman of the committee was on the floor when the Middle East Peace Facilitation Act was being subjected to this very tactic to which I made reference. It was like a rolling snowball. Anything that came along, the Senator from North Carolina encompassed within his rolling snowball and sought to hold hostage in order to increase his leverage to get his way on the reorganization measure.

So we encountered this with respect to the Middle East Peace Facilitation Act, in addition to holding the ambassadors hostage, in addition to these treaties that were left to languish, in addition to whatever legislation was in the committee. In fact, at that time the former chairman of the committee, the distinguished Senator from Rhode Island, said, ''I absolutely agree it is inappropriate to link MEPFA to the State Department legislation. I do not recall in the years I have been in the Senate, 35, or as chairman of the committee, any similar action being taken.''

I then said, ''Will the chairman yield on that point? When did the former chairman, if I may say, the very distinguished former chairman, go on the Foreign Relations Committee?'' Mr. PELL said, ''I think it was 1964.'' And I asked, ''So the Senator has been on it more than three decades?'' And Senator PELL said, ''Correct.'' And I inquired, ''Has my colleague ever seen anything comparable to what is now taking place?'' Senator PELL said, ''No, and that is the point that bothers me.'' I said, ''I thank the Senator,'' and Senator PELL went on to say:

> I think we should deal with the question of extension of MEPFA on its merits and the merits clearly lie with the quick passage of the short-term extension. We should not, as Senator Kerry noted, trifle with the peace process for the sake of reorganizing our bureaucracy. We should pass the MEPFA now with no linkage. In this regard, I am particularly struck by the words of the Senator from Maryland. I know I am correct in saying I am the only former Foreign Service officer in the Senate. Because the Foreign Service was only created in 1926 under the Rogers Act, I think I am the only Foreign Service officer ever to have served in the Senate. I would also point out this linkage that is being created by the chairman of the committee not only sets a bad precedent but is a linkage that should never have been made in the first instance. It has not been done in the past, and it would be a great sin to move this way now.

Now, I agree completely with those remarks of the distinguished Senator from Rhode Island. The Senator from North Carolina, unable to get the votes to invoke cloture—a process, as I indicated earlier, he has used himself repeatedly on the floor of the Senate—then decided to use that bill as leverage. He was saying, in effect, ''I will take every other aspect of business of the committee hostage. No ambassadors, no treaties, no legislation, no Middle East Peace Facilitation Act. You will have to come to terms with me on this reorganization.''

Now, looking at the national interests of the United States, the fact of the matter is that ambassadors and treaties, which are important to our Nation's interests and upon which we should have been acting, were delayed over the controversy with respect to this legislation.

Now, I understand the Senator wants his reorganization bill. A number of us disagree with that. Fine, I am ready to fight out that issue on that legislation. But, to change the pressures, to increase the leverage, he decided instead to do a hostage-taking action, which is exactly what occurred here.

Over the past 6 months there has been a long and growing list of ambassadorial nominees—currently 19—who had their hearings and were ready to be reported. Many of them had their hearings in July and have been waiting since then—it is now December—to be approved by the Senate. Meanwhile, the countries to which they would go have no American ambassadors on the scene, no heads of mission, no one coordinating the American presence in that country. Now, most of these ambassadors were career members of the Foreign Service, people who have committed themselves to serving our Nation in these very important ways. Mr. President, 15 of the 19 are career officers. They included nominees for a number of major posts, including Malaysia, Cambodia, Thailand, Indonesia,

Pakistan, Oman, Lebanon, and South Africa. Our former distinguished colleague, Jim Sasser, was nominated to go to China. Our relationships with all these countries have been suffering because we have no U.S. ambassadors there.

Why are the ambassadors not there? Not because questions are being raised about a particular ambassador and his or her qualifications, which of course is a legitimate reason. If someone is holding up an ambassador on the floor of the Senate because they do not think that person is qualified, or because of some other difficulty directly related to the nominee, that is a fight that ought to be fought with respect to that ambassador. None of that has happened here. No one was asserting that any of these ambassadors had any deficiency. They were all being held as a pressure tactic on the reorganization bill.

Hundreds of Foreign Service officers recommended for promotion were also being held up. These are career people. They have committed themselves to the Foreign Service. There is an established process by which they move forward within the Foreign Service. The promotion list comes to the Senate and we act on it. Yet all of them were being held up.

Obviously, this is an unfair situation to the individual nominees, who have absolutely nothing to do with the reorganization proposal by the Senator from North Carolina. In addition to being unfair to the nominees and their families, it is contrary to the interests of the United States.

We need to have our ambassadors out there in the field promoting U.S. interests such as human rights, conflict resolution, antiterrorism, counternarcotics cooperation, and increasing U.S. exports. We need them there to respond to incidents before they become crises, to assist U.S. tourists and business people, to promote U.S. goodwill, and to spread American values and ideals. The fact that they are not there and have not been there for a number of months causes friction in our diplomatic relations and erodes and undercuts the ability of the United States to influence developments around the world.

Mr. President, I am further concerned because I think that taking people hostage this way is yet another attack on the career Foreign Service, which is extremely unfortunate. In fact, we received a letter back in August from the American Academy of Diplomacy with respect to the ambassadors that were being held up. Let me just quote that letter, which was written to Chairman HELMS of the Senate Foreign Relations Committee:

> DEAR MR. CHAIRMAN: The Academy has noted, according to press reports of August 2, that following a deadlock in the Senate on the State Department authorization bill, a hold would be placed on 17 ambassadorial nominations and that committee action was being canceled or postponed on 22 other nominations subject to Senate confirmation.
>
> The Academy has taken no position on the authorization bill which is currently in contention. But it does not believe the country's larger interests are served by linking action on that bill to the ambassadorial nomination process. Doing so would have the United States without appropriate representation in these countries at a time of dramatic, historic global change.
>
> We believe that decisions on America's diplomatic representation abroad, including both the timing of such action and the qualifications of those nominated, should be made strictly on the basis of our interests in the country involved.

Frankly, I think this willingness to make pawns out of ambassadorial nominees, most of whom, as I indicated, are career people, is a denigration of the career service.

I am increasingly concerned about the extent to which that is taking place and is engaged in by some of my colleagues.

At an earlier time, the Senator from Texas asserted that he favored deep cuts in spending for diplomatic activities to curb the department's alleged penchant for ''building marble palaces and renting long coats and high hats.''

Such an attack on our professionals is extremely unfair. They in fact are risking their lives. Some are losing their lives. Yet, we have Members of this body who attack them for supposedly wearing long coats and high hats and living in marble houses.

Ambassador Robert Frasure, who had so much to do with moving the efforts toward peace forward in the Balkans, lost his life in Bosnia. As the State Department spokesman put it, when Ambassador Frasure was killed ''he was riding in an armored personnel carrier and wearing a flak jacket, not striped pants.''

Ambassador Frasure's widow wrote a very moving letter to the Washington Post, in the course of which she said, in defense of her husband—it should have never been necessary for her to have to defend him—but in the course of which she said:

> Our diplomats are some of the finest, bravest, most courageous people I have ever met. In the past 10 years alone, my husband and I mourned the death of seven of our friends and Embassy colleagues.

She then listed them, and went on to comment about the remarks about long coats and high hats and marble palaces:

> I am outraged also because I remember the dangers as well as the many hardships our family endured in Bob's 20-year career.

That is from a very moving letter by Katharina Frasure, the widow of ambassador Robert Frasure who came to his untimely and much-grieved death in Bosnia.

In fact, over the past 25 years more American ambassadors than generals have been killed in the line of duty.

So I think we ought to treat the Foreign Service with a greater measure of respect. Holding up ambassadors for reasons unrelated to their qualifications or their mission is not the way we ought to be doing business here. And I regret that these able men and women were held hostage in order to increase the pressure and the leverage with respect to an unrelated piece of legislation.

In addition to the ambassadors, he also held hostage some very important treaties—the START II treaty and the Chemical Weapons Convention. We passed amendments and resolutions right here on the Senate floor expressing our desire to see these treaties ratified and implemented at the earliest possible date.

As Spurgeon Keeney, the head of the Arms Control Association, recently wrote:

> Failure to complete Senate action promptly could delay for years the entry into force of these agreements with great disadvantage to U.S. security.

U.S. security is being disadvantaged by this holdup. The START II treaty, from all testimony and from all analysis, clearly serves our national interest. It is a very important measure in terms of reducing the nuclear arsenal, and bringing the nuclear danger under greater control. Yet, that treaty has been held up over this reorganization issue.

Let me turn to the substance of this bill. I understand that the distinguished Senator from Massachusetts, Senator KERRY, labored under a very difficult assignment and under very trying circumstances. He has received a lot of unfair criticism, much of it from the other side. He was praised today, but along the way he was sharply criticized, which I think was very unfair to him.

The authorization levels in this legislation, in my judgment, impose such deep cuts in administrative expenses that we run the risk of having, as the American Foreign Service Association said, ''hollowed-out agencies''. They argued in a letter to the members of the committee that actually what was happening was a shift from streamlining agencies to hollowing-out agencies. And they then make the point, and I quote:

> It makes little sense to AFSA that at a time when American leadership and ideas are needed and welcomed throughout the world, we would undercut our ability to operate abroad. Lack of adequate funds and staff to actively represent its national interests abroad send the wrong message. The costs of fighting totalitarianism during World War II and the Cold War were extremely high. Having won those wars, we cannot now afford to turn our back on the world or sacrifice our hard-fought victories by failing to adequately fund diplomacy—our country's first, most cost effective, and least risky line of defense in these dangerous times.

The amount authorized here for diplomatic and consular programs at the State Department is $30 million below the level in the Commerce-Justice-State appropriations conference report, $60 million below the administration's request. These are funds needed to assist American travelers abroad, to process visas, to keep open consulates, conduct diplomatic affairs.

Funding for salaries and expenses at USIA is also cut drastically. The same

is true at the Arms Control and Disarmament Agency and at the Agency for International Development.

In my view, the cuts being proposed here are excessive and will result in impeding our ability to carry out U.S. foreign policy effectively overseas. I agree with the American Foreign Service Association's assessment that these cuts will lead to hollowed out agencies at the very time, with the end of the cold war, that there is an opportunity for the skillful and effective use of diplomacy. At the very time when American leadership and ideas are needed and welcomed throughout the world, we would undercut our ability to operate abroad.

I think this is an important issue. People get up on the floor and they make speeches about America's leadership in the world. Then they fail to provide the wherewithal, or the resources with which to exercise that leadership. Many seem to think that leadership only exists in the military sphere, not recognizing the important accomplishments that can be done in the political and diplomatic sphere, and the interaction between the political and diplomatic sphere and the military sphere.

In addition to these funding levels, which I think are a very basic failing with this legislation, there are other substantive provisions that remain deeply troubling. One section requires massive RIF's by USIA and AID in 1996 and 1997; in one instance by more than 50 percent. That, in effect, would finish the Agency. There has been no study of consequence to support the effort to abolish these agencies that is at all comparable with the studies that were made in establishing the agencies to begin with. If one goes back and looks at the process of analysis that was made when the decision was made to establish these agencies, and the rationale that was given—much of which I think remains valid, but if you want to argue that, fine—but there is no comparable counterpresentation to support eliminating the agencies.

Actually, there was a commission that recommended AID be eliminated, and now the head of that commission is in favor of keeping it, particularly on the basis of the very significant reforms that have been made at AID under its present administrator, Brian Atwood.

This legislation places onerous new conditions on our participation in the United Nations. It requires the withholding of 20 percent of our contributions to the United Nations, 50 percent of our contributions for assessed peacekeeping, and 100 percent of our contributions for voluntary peacekeeping, until an extensive list of certifications is made. The United States, unfortunately—I regret to say this—is now the largest deadbeat at the United Nations in terms of meeting its obligations. Yet we repeatedly turn to the United Nations in order to accomplish important objectives, in Cambodia, Angola, El Salvador, and on and on around the world. We should not forget that the United Nations cannot take any significant action if the United States does not concur with it because we can simply veto it in the Security Council.

There is a also very troubling provision in section 604 relating to Iraqi claims. This is a complicated issue. It has been the source of intensive negotiations, but it has very serious national implications.

Briefly, the situation is as follows. When Iraq invaded Kuwait, the United States froze all Iraq's assets in United States banks. The number of claims on those assets from U.S. veterans and business people far exceeds the amount of the frozen funds. Yet there is a provision in this legislation to allow a small group of claimants to come in and get 100 percent of their money, leaving less available for the veterans and other businesses who have equally valid claims. There will not be enough money left to go around for the rest of these people.

The Bankers Association for Foreign Trade wrote, calling the amended language ''bad public policy.'' They oppose it ''not only because it would give preference to a small, select group of unsecured creditors as against others similarly situated. More importantly, it would inevitably increase the cost of trade finance for U.S. exporters relative to their foreign competitors.''

I close by again expressing my respects to the Senator from Massachusetts for his hard work. I think the managers' amendment is an improvement to the bill itself. I do not for a moment contest that. But I still think that overall, this legislation is heading in the wrong direction. It may be less bad, and a lot of very skillful work was done by the Senator from Massachusetts to bring that about. It was an assignment, in effect, handed to him, to which I think he responded with great skill. But I do not think that this legislation warrants our support.

There is every expectation when it goes to conference it will only get worse. The House bill with which it will be conferenced includes a whole host of objectionable provisions.

So, in closing, I have a number of letters, some of which I will have printed in the RECORD.

I ask unanimous consent to have them printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. SARBANES. The various private voluntary organizations that are engaged in overseas development, Bread for the World, Oxfam, InterAction, and other similar groups, all indicate their opposition to this legislation.

I urge my colleagues to oppose it. I yield the floor.

EXHIBIT 1

OXFAM AMERICA URGES REJECTION OF S. 908

As a privately funded development agency, Oxfam America supports self-help projects to combat hunger and poverty in 31 countries of Asia, Africa, Latin America and the Caribbean. At the same time we believe it is very important that the US Agency for International Development maintain its ability to offer significant support for poverty alleviation, basic infrastructure, demining and health programs which are beyond the financial capacity of non-governmental organizations and which can determine the long-term success of smaller NGO efforts like those of our local partner organizations.

For these reasons Oxfam America is seriously concerned that under S. 908, the State Department authorization bill, USAID will share a five-year budget cut of $935 million with the State Department's other two independent agencies. Although we understand that this budget formula was devised as an alternative to a mandated merging of the three independent agencies, we fear that such cuts, on top of current year reductions, will destroy the US commitment to offer a meaningful level of fundamental development assistance to the poorest countries.

Further, we are aware that passage of S. 908 will result in conference with H.R. 1561—a bill which incorporates a foreign aid authorization for the first time since 1985. We understand that in addition to a 30 percent across-the-board cut in development assistance, H.R. 1561 includes many regressive foreign aid authorization measures. With passage of S. 908, the Senate would therefore face compromise with such provisions without ever having debated and passed its own foreign aid authorization legislation.

From Oxfam America's perspective, S. 908 poses an unacceptable threat to the United States' ability to significantly reduce hunger, misery and human underdevelopment as the 21st century dawns.

Oxfam America urges senators to vote against the passage of S. 908.

NATIONAL WILDLIFE FEDERATION,
Washington, DC, December 11, 1995.

VOTE NO TO S. 908, THE FOREIGN RELATIONS REVITALIZATION ACT

National Wildlife Federation opposes S. 908, The Foreigns Revitalization Act because:

The US cannot continue to call itself a world leader if it passes this Bill. Humanitarian and environmental assistance are investments in the future. They have consistently paid off for the US in the past, and have been vital to maintaining the US as the leader of the free world. As the US withdraws from development assistance, its standing in the international community, its influence in multilateral organizations, its voice and vote will be worth less and less. For altruistic and for self-interested reasons, we need to stay engaged in the world. Foreign aid is a crucial part of this engagement.

It would cripple the US Agency for International Development. The latest compromise offered by Senator Helms would necessitate such heavy cuts to programs and operating expenses at the US Agency for International Development that even if it continues in existence it will be unable to carry out its mission. This will signal to the international community that the US shrugs off its commitments to poverty alleviation around the world, to building democracy and to conserving natural resources. The US will be diminished by this withdrawal from the developing world, and our long-term interests will suffer.

The bill micro-manages US foreign policy. Although the compromise version would not mandate a reorganization of USAID, the savings goal of $1.7 billion in five years with only 15% coming from State Department means that USAID will have to be sacrificed.

This sort of reorganization is the prerogative of the Executive branch.

The House companion Bill, HR 1561 is unacceptable for many reasons, including draconian cuts to sustainable development programs, the inclusion of the Mexico City Policy, and elimination of funds for the Inter-American and African Development Foundations. The passage of S. 908 increases the likelihood that provisions of HR 1561 would become law.

Vote ''No'' on S. 908, the Foreign Relations Revitalization Act.

BREAD FOR THE WORLD,
Silver Spring, MD, November 21, 1995.

Senator PAUL SARBANES,
U.S. Senate,
Washington, DC.

DEAR SENATOR SARBANES: As the Senate Foreign Relations Committee proceeds in negotiations over a manager's amendment to S 908, the Foreign Relations Revitalization Act of 1995, Bread for the World urges you not to make any deal that would force the merger of the U.S. Agency for International Development into the State Department or otherwise severely weaken its capacity to carry out long-term development.

We are concerned that the committee has agreed to terms which, even without directly eliminating USAID, might indirectly accomplish this end by requiring a $1.7 billion cut to administrative costs over five years. Because cuts to the State Department would be limited to 15 percent, or $255 million, the burden of the budget cuts will fall heavily on USAID, the agency with the largest operating and program budget among the three agencies in question. Such deep cuts could cripple USAID's ability to manage programs, maintain an overseas field presence, and exercise leadership in the donor community. They would also yield greater authority on aid decisions to the State Department, thus subordinating long-term efforts to reduce hunger and poverty to short-term political pressures. Furthermore, the agreement encourages Senator Helms in his strategy to hold foreign policy matters, however urgent, hostage to his demands.

We ask you to raise these concerns with Senator Kerry and to vote against S 908 when it comes before the full Senate. It is important to have a strong show of opposition to the bill, even if it passes, since a large margin of victory would eliminate the possibility of a Presidential veto.

Although Bread for the World adamantly opposes reorganization proposals that compromise USAID's independence, we have long supported reform that would improve the quality and efficiency of U.S. development aid in reducing poverty and promoting fair, democratic development. The agency has made significant progress toward this goal under current Administrator Brian Atwood. Yet the task is far from complete. Thus, we urge the committee to exercise greater oversight over USAID's internal reform initiatives.

Finally, we encourage the committee to return to the critical task of redefining the broad purposes of U.S. foreign aid for the post-Cold War world, rather than to focus simply on slashing foreign aid budgets and eliminating aid agencies. Last year, the committee, under your able leadership, made significant headway in rewriting the 1961 Foreign Assistance Act. Regrettably, the process was never concluded. But far-reaching global economic and political changes and recurring crises demand that it not be further delayed.

Sincerely,

DAVID BECKMANN,
President.

BANKERS' ASSOCIATION FOR FOREIGN TRADE,
Washington, DC, December 13, 1995.

POSITION PAPER ON SECTION 604 OF S. 908

The Committee's final proposed version of Section 604 of S. 908 does not mitigate the threat to U.S. exports implicit in this special interest legislation.

The current version of Section 604 continues to change established letter of credit law and practice by proposing to grant holders of advised letters of credit the status of secured creditors, which under present letter of credit law inures only to holders of confirmed letters of credit.

This outcome is bad public policy not only because it would give preference to a small, select group of unsecured creditors as against others similarly situated. More importantly, it would inevitably increase the cost of trade finance for U.S. exporters relative to their foreign competitors.

This unfortunate result flows from the fact that even in its final form, Section 604 sets the damaging precedent of giving advised letters of credit holders the same security status as holders of confirmed letters of credit.

If banks are forced by Section 604 to face unanticipated risks by issuing advised letters of credit, they will have to charge more for this method of trade finance to guard against similar loss in the future. The increase in cost will be substantial and would be an added burden for U.S. exporters that their overseas competitors will not have to pay.

This is why the Treasury Department continues to oppose Section 604 and has stated so for the record. It is also why OMB has indicated its opposition on behalf of the Administration.

Trying to find a compromise version on Section 604 is like trying to compromise the difference between certified checks and ordinary checks. The only solution is to delete the provision from the bill.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I know the Senator from Wyoming is waiting, and I will just take a couple of quick moments, if I may.

Mr. SIMPSON. Please.

Mr. KERRY. First of all, I thank the Senator from Maryland for his kind comments about the difficult task with respect to this. He has been there before many times on a number of pieces of legislation. There is nobody more skilled than the Senator from Maryland at dealing with that.

I think the comments from the Senator from Maryland and the Senator from Delaware are extremely important. As manager for this side, I in no way dismiss or diminish the concerns that they have expressed. Those concerns underscore the difficulties that not only we faced in getting here, but they also make very, very clear the limitations on where we can travel in the course of the conference. I want to underscore that to my colleagues.

If this legislation moves in any way in the direction that the Senator from Maryland and Delaware have described, then this Senator is going to be disposed to find great difficulty in not only passing a conference report but, if a conference report comes to the Senate, in seeing this legislation pass the Senate. That is a very large hurdle indeed which it yet faces.

So it is my hope we will work to continue the process of improving it. I have that assurance from the Senator from North Carolina. It is with that understanding and hope—''hope springs eternal,'' for at least this Senator—it is my hope we will be able to continue improving this legislation as we go forward from here, and I look forward to doing that.

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER (Mr. GORTON). The Senator from Wyoming.

Does the Senator from North Carolina yield time to the Senator from Wyoming?

Mr. HELMS. I certainly do, Mr. President.

Mr. SIMPSON. Mr. President, I thank my friend from North Carolina. I will not transgress greatly on the time remaining to him.

Let me speak clearly, I hope, on an issue which is, I think, very critical, and it comes up in the House version of this legislation and at this level with regard to the present legislation.

I call to my colleagues' attention a front-page article in the November 4 issue of the Washington Times, a piece by Michael Hedges describing a pattern of the most serious abuse in the admission of refugees under the so-called Lautenberg amendment.

First, let me say my friend, Senator FRANK LAUTENBERG, is a very able legislator, a friend, a person I very much enjoy working with. I have tried to resist this legislation from its inception. But, nevertheless, the Senate felt we should go forward. And now it has been for more than 6 years since the so-called Lautenberg amendment first provided a very dramatic exception to the definition of a refugee in the Refugee Act of 1980.

The Refugee Act of 1980 was sponsored by Senator TED KENNEDY of Massachusetts. I was rather new on the scene in those years and found it to be a great learning experience to watch it crafted, to see what occurred as it was put on the statute books.

The provision of the law, the Lautenberg amendment, created a presumption—now, this may be inside baseball and I know how that works in this place, but this is big-time understanding. If we cannot get this understood by the American people, we will not get it unraveled.

The provision provided a presumption of refugee status for certain groups in the Soviet Union—this is the former Soviet Union—who ''assert'' a claim of persecution or discrimination and that would make them a ''refugee.'' That has been now extended three times since 1989 and is due to sunset at the end of this fiscal year, September 30, 1996.

In the House-passed State Department reauthorization, there is yet a further 2-year extension of the so-called Lautenberg amendment. When I speak of the amendment, I do not speak of its sponsor, I speak of its intent and what has happened with it.

What we have now is the fact there is no longer any Soviet Union. They are our finest friends, the former Soviet Union. So we are going to continue now, according to the House version, this rather embarrassing mockery of our refugee laws until the end of fiscal year 1998.

The Soviet immigration program has become terribly distorted. There is even evidence that Russian mafia members and other criminals are now beginning to use this system, and why would they not? It is in disarray. But, most importantly, Mr. President, how in the world can we explain our posturing around the world about our rare and wonderful friendship and alliance with the present Russian Government and the present independent states and the Commonwealth and the present affection between President Yeltsin and President Clinton—and we do that everyday—while pretending in some cruel way that somehow people coming out of there are still refugees? That cannot fit. It simply makes absolutely no sense. But, of course, it would not be the first time in this remarkable city.

I would not suggest in any possible way that we are forgetting the lessons of the past or the persecution of Jews in the former Soviet Union and throughout the world or the lessons of the Holocaust, but please know—and if we cannot understand this, we are all in trouble—please know that each and every one of those people will be processed on a case-by-case basis in an orderly way, all in accordance with the 1980 Refugee Act, the creation of Senator KENNEDY and other innovative legislators, and a piece of very humane and responsible legislation.

What does it do? It provides that if one is a refugee—that is a person fleeing persecution or having a well-founded fear of persecution based on race, religion, national origin, membership in a political organization or social group—a very clear description; it is the U.S. description; it is the U.N. description. Such a person would then be designated as a refugee and that would be done on a case-by-case basis.

All of those in the former Soviet Union, whether they be Jews or Pentecostals, Christians, Evangelicals, or persons persecuted for their political views, will have the same opportunity as all other true refugees around this world to enter the United States as a refugee. But the Lautenberg amendment and that program must end.

With absurdities like this being extended year after year, it is no wonder that people scoff at our immigration and refugee laws. Let us end it now.

Mr. President, I ask unanimous consent that this article I referred to be printed in the RECORD.

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

[From the Washington Times, Nov. 4, 1995]

VAST SOVIET REFUGEE FRAUD DETAILED—INS MEMOS CATALOG MISUSE OF LAUTENBERG AMENDMENT

(By Michael Hedges)

A U.S. policy of granting refugee status to Jews, Pentecostals and other religious minorities in the Soviet Union and its successor states has been widely abused, according to confidential government documents.

Internal Immigration and Naturalization Service memos indicate that by 1993 only about 0.5 percent of those entering the United States as refugees under the Lautenberg Amendment met the classic persecution requirements.

As early as 1991, INS officials in Moscow detailed serious problems with the amendment, which gave religious minorities refugee status, putting them ahead of the millions seeking to immigrate to the United States.

A ''cottage industry'' developed to defraud the United States under the relaxed refugee standard, according to memos obtained by Scripps Howard News Service. One says that by 1993 ''astronomical fraud'' was occurring.

About 300,000 refugees have entered the United States under the amendment since 1989.

Law enforcement experts say they fear the lenient standards have contributed to a burgeoning criminality in the United States on the part of the immigrants.

A high-ranking INS official wrote in March 1992, ''There is a tremendous sense of injustice adjudicating claims under the Lautenberg amendment.''

Some standard immigration applicants have been waiting more than 15 years, according to Richard Day, chief Republican counsel for the Senate Judiciary Committee's subcommittee on immigration and refugee affairs. For example, there are Filipinos with family in the United States who were granted immigrant visas in 1977 who are still waiting to enter the country.

To be declared a refugee is to jump to the head of the line and have taxpayers pay your air fare and resettlement costs—an average of $7,000 per refugee.

The standard procedure for being declared a refugee requires a well-documented fear of persecution—torture, death or jail. Relatively few who met those requirements made it into the United States after 1980 because a ceiling limited the number each year to around 100,000.

In 1989, as the Soviet Union began to crumble, Sen. Frank Lautenberg, New Jersey Democrat, proposed a change to protect Jews, Pentecostals and other religious minorities by denoting them refugees from religious persecution.

One high-ranking federal official involved says it was a good policy in the beginning because there were deserving refugees. That former administrator grew disillusioned.

''Clearly, by 1991, fraud and abuse was rife, and our policy had become a rubber stamp,'' he said.

Critics of the law say one clear sign that many receiving such status are not genuine refugees fleeing imminent persecution is that 27,000 given visas as ''persecuted refugees'' haven't bothered to leave for the United States.

INS memos say the policy has blocked the escape of many who are truly persecuted.

''The irony is that there are plenty of cases from the former Soviet Union which could qualify [as persecuted refugees],'' noted a top INS official in Moscow in December 1993.

''However, these cases stand little chance . . . as they do not fit into one of the Lautenberg categories.''

The INS declined to discuss the memos. Requests for additional information were referred to the agency's Freedom of Information Act office. An FOIA request filed in August is pending.

At one point in 1992, INS officials in Moscow tried to toughen the standards.

''The reality . . . was there were some category applicants who were not able to assert a fear of persecution or a credible basis for such fear,'' an INS official from Moscow cabled Washington on March 31, 1992.

But, the memo noted, ''certain interest groups were not able to tolerate even a small percentage of denials and eventually INS succumbed to their demands.''

The standards were further relaxed, officials said.

Arnold Liebowitz, lobbyist for the Hebrew Immigration Aid Society, said he believed the INS and Jewish lobby groups just had an ''honest disagreement'' about the degree of threat facing Jews in the Soviet Union.

''I think there has always been in the INS a feeling that the Jews in the Soviet Union really didn't have much of a problem.'' he said.

Mr. Liebowitz denied his group or others pushed to have the standards relaxed to guarantee that no Jews would be denied refugee status. He said his group believes there is still a need for the Lautenberg Amendment.

Roy Godson, a counterterrorism expert, said, ''There were criminals entering the country and no one was doing anything about it. Some of the gangsters were Jewish, and they took advantage of [the amendment].''

Efforts to defraud the INS were widespread, officials said in internal memos.

''Category fraud is relatively easy to perpetrate,'' wrote Leonard Kovensky, INS director in Moscow, in a memo sent through Rome to Washington.

He said people showed up at INS offices with passports clearly indicating their family ties were all ethnic Russian, but by claiming ''one maternal grandmother was Jewish,'' they had to be offered visas.

''The leader of a Pentecostal group has informed INS that many of those scheduled as Pentecostals are not Pentecostals at all,'' Mr. Kovensky said. ''Many reliable sources have told us of a cottage industry which has sprung up which gives applicants classes on how to successfully pass their INS interview.''

A 1991 INS study showed ''a continued decline, indeed drastic decline, in the quality of refugee claims,'' according to an agency memo sent to Washington. Another study, in 1993, found that of 624 applying as refugees, ''only three cases would have qualified under worldwide standards, an approval rate of one half of one percent.''

Under the Lautenberg standards, ''ninety-one percent were approved, 4 percent were placed on hold and only 5 percent were denied.''

Mr. SIMPSON. Mr. President, this confirms the very serious concerns I have always had about the program. According to the article, INS memorandums and other communications describe the fraud and abuse in the program which, after only 2 years, became a rubber stamp for admission to the United States as a refugee of almost any person in the former Soviet Union who ''claimed'' or asserted to be a Jew or Pentecostal or persecuted Evangelical, Christian or other category.

The startling part of it is, the article notes, by 1993 only about one-half of 1 percent of those entering the United States as refugees under the Lautenberg amendment actually have a well-

founded fear of persecution on account of their religion.

The problem is if the INS had the audacity, or perhaps the gumption, to deny even a small percentage of the applicants, the ''groups,'' the interest groups would continue to demand an ever more lenient consideration of these so-called refugee claims. The result of these demands is that we see a lower standard being applied to applicants for this very special program.

Mr. President, many of the persons being admitted under this amendment are excellent immigrants. They bring diversity to our immigrant flow, many are well educated, and will be productive members of our society. We all like to hear that. I do, too.

However, many others will require public assistance, some for the rest of their lives. We now know of situations where people will bring aged parents here and immediately place them on the public support system.

Still others, according to Hedges' article, are frauds, complete frauds who should not be here at all, or criminals. But the important point I want to make for my colleagues is that all of these persons enter as refugees. This means, and there is a tremendous difference between a refugee and an immigrant, this means they can receive not only Federal assistance with the costs of their airline tickets to come here, they will also receive special refugee cash and medical assistance after they arrive.

Further, there are private agencies that receive them at the airport and are paid $670 per person for each of these 40,000 to 50,000 so-called refugees who arrive every year under this program. Those are called R&P grants. I do not think the people of America even understand that there is $670 per person from the taxpayers to receive and place these people. R&P: reception and placement. They do not understand at all.

Occasionaly it was not even all expended—take in the refugees, place them, spend $150, $200 or $300, put the rest of the money in the account of their group. Congressman MAZZOLI and I broke up that playhouse some years ago, and I would like to think that does not occur anymore. But they would stockpile refugee funds because they did not need all that money.

People do not understand that part of it. This is, as I say, inside baseball. But I would trust my colleagues, particularly those who are conferees on the State Department reauthorization and reorganization bill, will insist on the Senate position and strike any provisions which would further extend this now thoroughly discredited program. Its original intent may have been met. It surely does not serve us well now.

And if you still do not believe it, then here is a figure for you. There are 40,000 people in the former Soviet Union who have been designated as refugees, presumed to be so under the Lautenberg amendment, who have not come yet. They are still there. They are ''arranging things.'' They have been there for 6 months or a year or longer because they are still searching for the best deal for themselves to stay, or to come as a refugee. How do you come in a way where the Federal Government of the United States pays you the most money to get you here.

But, ladies and gentlemen, you cannot be a refugee and then hang around in your country. A refugee is a refugee is a refugee. It means a person fleeing persecution, and it means immediate fear. It does not mean you wait around to decide whether to go to southern California at your pleasure. That is not a refugee. And if Americans cannot understand that, we will have more such Proposition 187's and all that goes with it.

Mr. President, I would certainly call upon the Attorney General to take a very hard, close look at this program. I would like to have a report from them, from the Attorney General, from the Justice Department, from the INS and from the State Department. And I know what it will likely be. Hopefully, we will be able to get some breath of reality into the situation. To ensure that, there is a very simple thing, and the simple thing is a screening program, a case-by-case screening, just exactly what was called for in the 1980 Refugee Act, and put it in Moscow or elsewhere to ensure that persons with criminal records are not entering our country as refugees under this discredited program because if this article is at all accurate, it is well apparent that this program requires the most careful scrutiny.

I will be speaking on it from time to time. It will rise apparently like a Phoenix, as it does, and then you are not supposed to come and say anything against it because then you are against refugees, and you are really quite a foul fellow, and that is not who I am. But we are going to deal with that. We are going to deal with it realistically because you either are a refugee or you are an immigrant. And if you are a refugee, it will be a case-by-case determination under the Refugee Act of 1980. And if you are really a refugee, can you really be one from the present Commonwealth of the Newly Independent States, the former Soviet Union, because these are our finest allies, our friends.

It is like someone said to me the other day: What are we going to do with refugees from Mexico? I said if that is where the debate has gone, then everybody has rocks in their head or wax in their ears. There are no refugees from Mexico. How can one be a refugee from Mexico, a democracy, our remarkable neighbor to our south.

So those are the twisted terms we get to play with in this particular arena, and I hope that we can at least for the American public's edification and clarity try to describe what those terms are and what a refugee really is. And it certainly cannot be presumed that there are 40,000 of them coming per year from the former Soviet Union. That makes no sense whatsoever.

The PRESIDING OFFICER. Who yields time?

Mr. THOMAS addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. Mr. President, I would like to yield myself 6 minutes.

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

Mr. THOMAS. Mr. President, I rise in support of the legislation before us. I have listened with some interest to the latest discussion here, particularly to the Senator from Maryland decrying the decision of the chairman of the Foreign Relations Committee to withhold action on several items prior to this, that have been before this committee.

I am fairly new at this thing, my first year on this committee. I have, however, paid some attention to it, with years in the House watching. And I guess I am a little surprised at the conversation. I recall others talking about this idea of holding hostages. It seems to me that the other side of the aisle, apparently at the insistence of the President, has made a conscious effort to avoid moving forward with this State Department authorization bill that they promised to filibuster to death.

Time and time again we have read internal memos from the administration declaring their intent to stall the bill at any cost. I think my colleagues will recall the phrases they have used—obfuscate, derail, delay. I certainly would have liked to have seen some of the Ambassadors in their posts. We have them before my subcommittee. I was anxious that they go forward, partly because I thought they were very excellent candidates, partly because I think we ought to have someone there.

Of the 18 nominations, the majority were designated to serve in countries within the jurisdiction of my subcommittee, Eastern Asia and Pacific Affairs. Indonesia, the People's Republic of China, and APEC were without representation. But as important as these posts are, Mr. President, passing a State Department authorization was and is more important. Yet, the Senate was denied the opportunity to vote one way or another on the issue because it was held hostage by the Democrats.

I guess I was a little surprised at this last discussion that has been going on. Hostage takers, Mr. President? What about the senior Senator from Massachusetts who took over 2 hours to speak about the minimum wage debate during the course of considering this bill in an effort to stall it. What about the White House that refused to meet with the chairman to discuss a compromise position? What about the officials at AID who, rather than rationally discussing the bill and offering their alternatives, instead waged guerrilla warfare against any compromise?

These are the hostage takers, Mr. President, not the senior Senator from

North Carolina. The American people, who deserve a bureaucracy that is cost conscious and responsive to the times and streamlined, were held hostage.

I remind my Democrat friends that it is probably not useful to cast blame on who is holding whom hostage. As I mentioned, I am fairly new to this thing, but I have to observe that it appears many who are not new are very, very resistant to change, to even considering change in the way we have been doing things.

When you take a look at the results of some of the things we have done in terms of reorganization of the State Department, in terms of the operation of some of these units, we obviously need to make some changes. If you do not make some changes, there is no reason to expect different results.

So, Mr. President, I am very much in favor of this bill. I am very much in favor of the efforts that are being made here to assign some responsibility, to assign more accountability, to make this State Department just like the rest of the departments —more responsive, more efficient, more effective.

For the first time in almost everything we do here in the Federal Government, we are having an opportunity to analyze what they are doing and make some evaluations in terms of how these things are working in terms of some oversight. That is part of the job of this Congress.

But too often we get built in to what happened because it is what happened 10 or 15 years ago; it has always been that way, so we cannot change it. You know we cannot change it; just put some more money in, that probably will do it. That has been the notion.

That is what is unique and exciting and different about this Congress. We are having an opportunity to do some evaluating, to set some priorities, to make some changes, to cause things to be changed, to expect different results from what is happening.

So, Mr. President, I strongly support this bill. I hope Members of this Senate will vote affirmatively and we can move out of this hostage-taking mode that we have been in. You can assign the hostages to whomever you choose. I assign mine to the other side of the aisle in holding this bill hostage.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. GREGG addressed the Chair.

Mr. HELMS. I yield such time as the Senator may require.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I thank the Senator from North Carolina, and I congratulate him on obtaining floor time for this bill and finally getting it to a point where it is going to pass. It really is an excellent initiative that deserves the support of the Senate and the House, and hopefully will end up being signed by the President. It has been a long time coming, as has been mentioned by a number of speakers, and it is long overdue.

We are, after all, almost 4 years into the post-cold-war period, and yet we still function with a State Department, an AID and ACDA organization, not to say anything of USAI and Voice of America, that are clearly creatures created and designed for responding to a worldwide ideological confrontation with the Soviet Union. As has been mentioned many times in this debate, that is no longer the case; and yet the momentum of those departments go forward as if it were the case, in many instances.

I come to this debate because I have the great good fortune to be, through no cause of my own, but luck basically, chairman of the Commerce-State-Justice Appropriations Committee, which basically must fund the ideas which come from the Foreign Relations Committee, which is so ably chaired by the Senator from North Carolina and so ably by such an able ranking member as the Senator from Rhode Island.

Therefore, as the person responsible for the appropriations activities relative to the State Department, I take seriously the proposals of the Foreign Relations Committee because they are obviously going to guide the actions of the appropriating committee. It is our intention and has been our intention as the Appropriations Committee to essentially support and work with the Foreign Relations Committee as they pursue and reform and reorganize the State Department.

I strongly support the basic concept which was created by, initiated by, and now has been instituted by the chairman of the Foreign Relations Committee in his proposal as presented in this bill, which is essentially that the State Department, ACDA, and AID must rethink their roles, so that, hopefully, we will see a bringing together of these various agencies in a manner which will lead to a more efficient, focused, and effective delivery of their mission.

I happen to strongly be of the view, as I know the chairman of the Foreign Relations Committee is—really I am of this view in large measure because of the education which I received while being on the Foreign Relations Committee, at the feet of the chairman and the ranking member—I am of the view that we need to give the Secretary of State more control over these various agencies so that we have a more coordinated policy.

It is not a unique view, actually, held by Republicans only. It happens to be a view that at least initially was held by, I believe, the Secretary of State, and, I suspect, in the quiet of his office when he is not being confronted by the requirement of public policy positions pressed upon him by other members of the administration, he still agrees with that view and agrees with it strongly.

It was a view which, initially at least, was supported by the Vice President in his proposals for reinventing government; that is, that we should give the Secretary of State, the person who logically is the prime spokesman and policymaker on behalf of the President of the United States, the authority to manage the foreign policy of the country. That means the authority to manage two major agencies which now function as independent satellites of the Department and, in some cases, extraordinary satellites.

But this bill does not go so far as to direct how it is done precisely. Rather, I believe this bill takes the very logical approach of allowing the Department to report back and design a program which accomplishes the goals which I think are well set out, which is that more focus be given through the Secretary of State in controlling and managing the various functions of our international policy. Also, it proposes that in this exercise of reorganization we save some money, not a request which is illogical.

There is no question but that there is a great deal of overlap, there is a great deal of duplication, there is a great deal of atrophied agencies within these various departments which were produced and created for the purposes of addressing issues of the cold war and which are no longer serving a viable function and which, in many instances, could easily be reduced or at least consolidated in a manner which would deliver more efficiency and refocus them more effectively and which would save dollars.

The proposal which has come forward is to save, I think, $1.7 billion over, I believe, 7 years, if I am correct. And if I am not, I will be happy to stand corrected. I guess it is 5 years. I would note that this is not a reach. In fact, in the appropriations bill which was just recently passed by this Senate, we saved $500 million just in the year 1996; $65 million through rescissions, $435 million by reducing spending activities within these various departments.

So we are clearly on the path to this level of savings. In fact, when it was reported at the initial proposal, which the Vice President's group, I believe, was dealing with and which had been put forward by various members of the administration, it would save, I think, approximately $5 billion during this same timeframe. I was supportive of that number and happened to believe that number is an attainable number, $5 billion rather than the $1.7 billion which is in this authorization bill.

I hope as we move down the road toward this reorganization, that should this $1.7 billion become the number that is focused on or settled on, that the Department might even, in a gesture of good will, try to exceed that number and go closer to the $5 billion which was originally thought of.

I can tell you right now, at least at the appropriating level, we are going to be looking for numbers at a little higher level because we think it is certainly doable. But I strongly congratulate the chairman of the committee for having gotten us on the road to what I think is a long overdue, but very effective as presently proposed, attempt to reorganize departments which were designed

to address one issue, the cold war, and which now are not functioning effectively addressing a new issue, which is the world as we know it today.

Today when we think of the threats that confront this Nation and the issues of international policy, we should be thinking about things like population excesses and thinking about things like environmental concerns. We should be thinking about things like availability of food. We have to worry about ethnic conflicts, and we have to worry about religious conflicts—totally different issues of philosophy, totally different issues of real threat to our country or real threat to stability around the world than what we confronted under the regime of the cold war. Thus, we need to reinvent the agencies which address that, and in this bill the chairman and the Committee on Foreign Relations has taken a major stride toward doing just that.

So I congratulate the committee. I look forward to continuing to follow the guidance of the committee as we move forward in the appropriations process.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. Who yields time?

The Senator from North Carolina.

Mr. HELMS. I thank the Chair. I am grateful to the chairman of the Subcommittee on State-Commerce-Justice appropriations, the distinguished Senator from New Hampshire, for his kind remarks. And I am very grateful to the distinguished Senator from Wyoming.

Mr. President, I had to take a telephone call on a very important matter involving North Carolina. But while I was talking, I heard Senator SARBANES. I like Senator SARBANES. I do not like everything he says. Sometimes he reminds me of a pregnant cobra, but I know he feels deeply what he has said, and I know he thinks it is correct. But the trouble is that it is not correct. I think Senator SARBANES, if he will forgive me, forgets that at the close of the Bush administration, the Democrats held up 12 ambassadors that President Bush had sent to the Senate. They were not given hearings. They were given no consideration for 6 months—6 months. They, frankly, said, ''We do not want any ambassadors appointed by a Republican President.''

So it is not exactly a novelty to hold up an ambassadorial nomination, or a group of them. But I know that Senator SARBANES did the best he could with his argument. But this business of fairness is in the eye of the beholder. You do the best you can in the Senate when you have a strong and effective opposition, such as Senator SARBANES. And, of course, it was Senator SARBANES who was micromanaging, to a certain extent, I believe, the negotiations between Senator KERRY and me. That is all right. I have no objection to that. Senator SARBANES has been around this Senate for a while, and he is entitled to be recognized for his seniority.

Now, President Clinton, let me remind anybody who heard Senator SARBANES' criticism that, just last week, after Senator KERRY and I reached our final agreement—and we reached a ''final'' agreement a number of times during these negotiations, but last week, when it was the final-final agreement, there came the White House saying, ''We have one little thing more we want to do.'' It was the White House, do you not see, Mr. President, that held the ambassadors hostage because they delayed any action on negotiations because they wanted to include a guarantee that a nominee to the Environmental Protection Agency be confirmed by the Senate in order for this agreement between Senator KERRY and me to occur. Well, I said, ''I have nothing to do with that nomination, and I will defer to the majority leader.'' I think they worked it out with Mr. DASCHLE and others.

Now, let me say again that I was ready at any time—and I said so repeatedly—to have a vote. I did not ask to be assured of this or that; just let the Senate vote. Senator SARBANES was unyielding on that. He did not do so publicly, but he was unyielding that I was not going to get a vote because, as he has said, he does not like this bill. He thinks we are not spending enough money on the foreign policy apparatus as it is. He is in contradiction of the opinion of the American people, who pay the taxes. Senator SARBANES and I only pay a small part. But the people who pay the bulk of it do not agree with him, and maybe they do not agree with me. I do not have any pull one way or another.

I suppose it ought to be said, in all fairness, that there are good ambassadors and there are some who are not so good. Various Senators have had various experiences with how embassies are not run by the ambassadors but are run by the ambassador's assistant. I have about reached the point that I wonder if having an Ambassador in Paris is essential, because is it not an anachronism in a day when we have such instant communication. When we sent Benjamin Franklin and Thomas Jefferson over to Paris, they had to go over on a ship, and they had to understand the administration's policy on this, that, and the other. But I do not think that the relations with China went to pot because Jim Sasser was held up. Somebody said that Jim Sasser is a nice guy and he was a good Senator. I like him and all that. But U.S. relations with Beijing did not go to pot because Jim Sasser was not over there. As a matter of fact, somebody commented that China was making a number of concessions while we had no Ambassador.

So it is OK to take a hit at HELMS. I am used to it, but those taking the hit better look at the history of what both parties have done when they have been in the majority.

Now, I confess that I may be the first chairman of the Foreign Relations Committee who does not really care what the editors of the New York Times feels about foreign policy. I do not run to the Washington Post to say, ''Please, is this all right?'' I try to use my own instincts and try to base my judgments on what I think the American people want in terms of decisions.

If Senator SARBANES does not like that, that is fine. The Council on Foreign Relations is not going to run the Foreign Relations Committee as long as I am chairman of it. I say that with all due respect to the organization.

As far as letters inserted in the RECORD, I could put 50 pages of letters into the RECORD right now, Mr. President, from people all over the country, who have written to me and said, ''Jesse, hang in there.'' So we can all play that game and insert letters from lots of organizations. I can insert letters from businessmen, who say, ''You are doing the right thing.'' So it is a matter of opinion. Some of it may be partisan, some of it may not be.

I do not know that it is entirely useful to excoriate another Senator with whom you disagree. I say again, I like PAUL SARBANES, and I thought our relationship was better than it apparently is. Foreign Service officers and ambassadors are expressing strong, unequivocal support for this bill.

So I do not want to hear all this ''moaning and puking,'' as Shakespeare put it, about how we are tromping on the Foreign Service. I have not done it, and I am not going to do it. They have been some of the loudest advocates of the reorganization of the State Department. Five former Secretaries of State have said this is a great piece of legislation. They helped us with various points on it. Warren Christopher went down and tried to sell it to AL GORE, who was busily announcing in press release after press release that he was going to ''reinvent'' Government.

So it is time we stopped talking and start doing something. I am not going to go any further. I think enough has been said on that.

END STRENGTHS

Mr. KERRY. Mr. President, section 141 of the bill deals with end strengths for the Foreign Service and the Senior Foreign Service in the State Department, USIA, and AID. We had similar language in the Foreign Relations Authorization Act for fiscal year 1994–95. However, the end strengths in section 141 of this bill are based on the original consolidation language which would have abolished AID, USIA, and ACDA, rather than the new language we have agreed upon. We addressed this problem in part in the managers amendment by deleting subsections (c) and (d) of section 141. However, to be consistent with the new consolidation approach, we need to revise the end strengths in subsections (a) and (b).

Mr. President, I would ask the distinguished chairman of the Foreign Relations Committee if he is willing to work with me to correct this problem in conference?

Mr. HELMS. Mr. President, I am prepared to do that. So the numbers reflect the intent of the conference report.

Mr. KERRY. Mr. President, I thank the chairman.

Mr. SARBANES. Mr. President, I understand that a colloquy was entered into earlier, which I believe misstates the legal status of a provision in this bill. May I inquire of the Democratic manager, who determines the validity of a claim submitted under section 604(a) relating to Iraq claims?

Mr. KERRY. It is my understanding that the Foreign Claims Settlement Commission determines the validity of all claims submitted to it regardless of past litigation.

Mr. SARBANES. I thank the Senator.

Mr. ROBB. Mr. President, will the Senator yield for a question?

Mr. HELMS. Mr. President, I will be happy to yield to the distinguished Senator from Virginia.

Mr. ROBB. Mr. President, under section 604(b), I understand that the Foreign Claims Settlement Commission is authorized to receive and determine the validity of claims of United States persons against the Government of Iraq and its instrumentalities. May I assume that claims which have been reduced to judgment in Federal district court are valid?

Mr. HELMS. Mr. President, yes. A judgment obtained in Federal district court will be considered a valid claim. Clearly there could be no more valid claim than a judgment received through the adjudication process.

Mr. ROBB. Mr. President, may I further assume that such judgments and their amounts, having been certified as valid, will receive expedited processing for payment?

Mr. HELMS. Mr. President, yes. It is our expectation that the Foreign Claims Settlement Commission will establish an expedited procedure to pay such claims, given that their validity is not in question.

Mr. ROBB. Mr. President, I thank the Senator from North Carolina and appreciate his management of this bill.

EXPROPRIATION IN THE DOMINICAN REPUBLIC

Mrs. HUTCHISON. Mr. President, I wish to discuss with the distinguished manager, the senior Senator from North Carolina, section 168 of S. 908. First, I want to commend the Senator for his leadership on behalf of all U.S. citizens who have suffered expropriations throughout the world. The Senator has been a great champion for these Americans whose rights have been trampled by foreign governments.

Mr. HELMS. Mr. President, I thank the distinguished Senator from Texas for her kind words, and I am happy to discuss section 168 of S. 908 with her. Section 168 would exclude from the United States aliens who have expropriated U.S. property or who traffick in such property. As the Senator knows, this provision has been deleted from the pending bill at Senator DODD'S request because it is included in the House-passed version of H.R. 927, and he would prefer that it be addressed in that bill. Senate conferees will be named for H.R. 927 immediately upon Senate passage of S. 908.

Mrs. HUTCHISON. Mr. President, I have been trying to help resolve an egregious expropriation executed by the Dominican Republic's military against Western Energy, Inc. Western Energy is headquartered in my State and operated an important liquid petroleum gas facility in the Dominican Republic until the military took over in April 1994.

Our Ambassador to the Dominican Republic should be commended for her efforts to resolve the expropriation suffered by Western Energy. The names of the persons involved are well known because the case is prominent and, I am told, has caused great outrage and shame over the Government's action. Would my distinguished colleague join me in encouraging the U.S. Ambassador to inform the affected persons that promptly upon enactment of section 168 in H.R. 927 they will be excluded from the United States until the Western Energy case is satisfactorily resolved?

Mr. HELMS. Mr. President, section 168 reflects the frustration with the lack of progress in resolving property claims, especially in the Western Hemisphere. The Dominican Republic is among the worst offenders, and the distinguished Senator from Texas can count on my support.

Mr. LEAHY. Mr. President, I intend to vote against the State Department authorization bill and I want to briefly explain why. But before I do, I want to commend the Senator from Massachusetts, Senator KERRY, for the herculean efforts he made to resolve an impasse that has prevented confirmation of over a dozen American ambassadors as well as Senate ratification of the Start II treaty.

Senator KERRY believes, as I do, that the foreign policy apparatus of this country needs reform. There is duplication, lack of coordination, and money has been wasted. I know the compromise we are voting on today reflects his best effort to address these problems, without doing grievous damage to the agencies that administer foreign policy.

But while I commend Senator KERRY for the thankless job of bringing to closure the tedious and often acrimonious negotiations over this legislation, I will vote against this bill because I do not believe that blackmail should be rewarded in the U.S. Senate. I will also vote no because although this managers' amendment is a significant improvement over the bill as reported by the Foreign Relations Committee, I believe it will weaken U.S. diplomacy, not strengthen it.

Senator SARBANES has spoken eloquently on this and I want to associate myself with his remarks. What we have seen is the immobilization of the Foreign Relations Committee for the better part of this year. The fact that there has not been a foreign aid authorization bill since the mid-1980's has not made any difference. But the committee does have certain important responsibilities, including ambassadorial nominations and reporting treaties for ratification.

I could list any number of Foreign Service officers who serve this country every day with incredible professionalism and bravery. Yet because the chairman of the Foreign Relations Committee could not force the Senate to support his effort to eviscerate portions of the foreign policy apparatus of the U.S. Government, he refused to permit the committee to carry out functions that are crucial to this country. It has caused countless problems for both American foreign policy, and American citizens who have needed assistance overseas.

There are other problems with this bill which do not merit our support. It contains authorization levels that will cause grave problems for U.S. leadership and U.S. representation overseas. It requires deep cuts in the operating expenses of the foreign policy agencies, including U.S. AID, in our contributions to the United Nations, and in our foreign exchange programs.

In conference, it is a virtual certainty that the bill will get worse, not better. Senator SARBANES has already pointed out that the same people who favor slashing resources for diplomacy voted to add $7 billion to the defense budget, over and above the quarter of a trillion dollars requested. This entire bill authorizes less than that increase to the defense bill.

Senator KERRY'S efforts resulted in significant improvements in the bill that was originally reported by the committee. I also want to say that I do not question the motives of the chairman of the Foreign Relations Committee. I agree with his goal to cut the cost of these agencies, and to reduce unnecessary bureaucracy. They need streamlining. But I cannot agree with these methods.

I vote to reject them, not reward them.

Ms. SNOWE. Mr. President, as chair of the International Operations Subcommittee, which has jurisdiction over the issues contained in the legislation, I rise in support of this bill.

It is regrettable that this bill is coming up today with a managers' amendment drafted by Senate Democrats that will have the effect of undoing the Foreign Relations Committee's main work on this legislation. Lacking a sufficent level of support to actually make these changes by a majority vote, the Senate minority has insisted in changes in this bill that could not pass under normal legislative procedures.

Although a freshman Senator, I have more than a decade of experience with these issues. I have worked on the State Department authorization bill

since 1985, when I became ranking member of the House International Operations Subcommittee. Continuing this role in the Senate, this is the sixth State Department authorization process in which I have served as a Republican manager of the legislation.

I would like to thank the chairman of the full committee, Senator HELMS, for his perseverance with this legislation. That we have this bill back before the Senate today is in large part due to his stalwart support of the legislative process.

I would like to also thank the ranking member of the Foreign Relations Committee, Senator PELL, for his graciousness, comity, and belief in the legislative process. I would note that Senator PELL—the former chairman of the Foreign Relations Committee—was the only member of the other party to support cloture when this bill was last before the Senate on August 1. This kind of steadfast support for the role of the authorizing committees will be sorely missed in the Senate after his retirement next year.

I would also like to thank the majority leader for his strong support for this bill, and the other Republican members of the Foreign Relations Committee for their votes and their support when it was most critically needed.

Finally, I would like to acknowledge the work of the staff, particularly the committee's staff director, Adm. Bud Nance. He has brought dedication and integrity to every aspect of his efforts, and he has greatly assisted the work of the committee.

The bill before us today authorizes the budget and operations of the foreign affairs agencies, establishes policies for our participation in international organizations, and strengthens U.S. standards for our participation in U.N. peacekeeping operations.

As reported out of the Foreign Relations Committee, this bill would have implemented an innovative restructuring plan first proposed at the beginning of this year by Secretary of State Warren Christopher. I note with regret that this is no longer the case. The original version of this bill would have terminated three independent foreign affairs agencies, and achieved $3 billion in savings over four years by consolidating the functions carried out by those agencies into the Department of State. The three independent foreign affairs agencies are: the U.S. Information Agency, which deals with the public relations aspects of our foreign policy; the Agency for International Development, which runs our foreign assistance programs; and the Arms Control and Disarmament Agency, which conducts diplomatic activities related to arms control and nonproliferation.

This bill no longer explicitly requires bringing under the direct control of the Secretary of State the activities of these three existing independent agencies. The bill, however, does mandate to the President that he achieve over five years $1.7 billion in savings at least 70% of which must come from the elimination of duplication and bureaucratic downsizing.

This is less than half of the savings contained in the committee bill, and about $500 million less in savings from Senator KERRY's own amendment that failed to pass during committee markup. I would also note that at committee Senator KERRY proposed the mandatory elimination of at least one agency, at the President's discretion. As I mentioned, this bill, with passage of the Kerry managers' amendment, no longer requires the consolidation of any agencies into the Department of State.

To any who believe that the bill's original $3 billion in savings over four years is excessive, or even the current $1.7 billion in savings over five years, I would to point out that on January 26 Vice President Gore issued a press release announcing the second phase of the ''National Performance Review.'' That press release announced, and I quote:

> It is anticipated that the overall review of international affairs programs and agencies will result in savings of at least $5 billion over 5 years and a substantially enhanced capacity to deliver more effective programs overseas and provide value to the American taxpayer.

The problem is that now, 11 months later, the Vice President still has not presented his plan for saving $5 billion over 5 years through restructuring and consolidation of our foreign affairs agencies. In fact, the Administration has refused to even present to Congress its normal legislative request for the foreign affairs agencies. And that is the first time this has happened in the 10 years I have worked on this legislation.

So in the absence of any positive Administration proposal, all we are mandating in this bill is that the Administration develop and implement a proposal for saving $1.7 billion over 5 years, not the $5 billion over 5 years that the Vice President promised at the beginning of this year. Frankly, I believe that we can do more, and the original bill did do more. But at least this is a first step toward that goal.

I hope that once the President is forced to begin looking at even this modest level of bureaucratic downsizing, even this Administration will recognize the wisdom of Secretary Christopher's original plan for consolidating the functions of all three independent foreign affairs agencies into the Department of State. Let me just give a small example of the reasons why the original consolidation would improve the formulation and conduct of American foreign policy.

On October 12 my office received a State Department inspector general report that reviewed the activities of the Bureau of Political-Military Affairs. That report discusses efforts to identify and eliminate redundancies between this State Department bureau and ACDA.

This is an effort that we should certainly all applaud, but without a formal consolidation between the two entities, a total elimination of duplication would either deprive the Secretary of State of any expertise over arms control issues, or rob ACDA of any diplomatic capabilities to conduct sensitive arms control negotiations. It would further isolate important arms control and nonproliferation considerations from the formulation of American foreign policy. Or, in the words of the State Department inspector general:

> If [the State Department] were to relinquish a significant portion of its nonproliferation functions, the overall effects could be counterproductive.

This is a perfect illustration why merging the functions of these three independent agencies into the Department of State is needed not just to save money, but to improve the flexibility and coordination of American foreign policy in the post-cold-war era.

And this is not just my own opinion, the opinion of Chairman HELMS, or the collective opinion of the other body, which has included Christopher's consolidation plan in its own State Department authorization bill. This consolidation proposal is also supported by five former Secretaries of State and two former National Security Advisers.

Mr. President, I would like to now discuss the reason for their support.

The world has changed dramatically in the last decade, and with it the demands on our foreign policy structure. Gone is the cold war—and the certainty of a single opposing force in our foreign relations. Gone, too, is the highly focused foreign policy we once waged against an expansionist and authoritarian Soviet Union and its satellites.

We face a new imperative: to maintain a strong and aggressive foreign policy, while streamlining our operations, achieving cost savings, and meeting the new criteria of a changing world. Consolidation among our foreign affairs agencies is an idea whose time has come.

In the aftermath of the collapse of the Soviet Union and the reigniting of ethnic strife that had been kept bottled up by the cold war, we live in a new world. But it is not necessarily a safer world. The reason five former Secretaries of State support this concept is the need to integrate the important public diplomacy, arms control, and foreign assistance aspects of American foreign policy into our basic policy formulation process.

For example, currently the independent Arms Control and Disarmament Agency is primarily responsible for nonproliferation policy. But concerns about nuclear proliferation frame our relations with a range of countries around the world, from North Korea, to Pakistan, to Iran. It would enhance, not detract, from this important goal of American foreign policy for it to be integrated into the policy formulation

process at State. It is far too important to be an afterthought considered only later in the interagency process.

And by better coordinating public diplomacy with policy, we can directly benefit the conduct of our Nation's foreign relations. Public relations play an increasingly important role in a world that is increasingly democratic. But currently, our public diplomacy expertise rests in the independent U.S. Information Agency. Does it enhance the formulation of American foreign policy to consider its impact on world public opinion only after the fact?

Similarly, there is a great need to more closely tie our foreign assistance programs to policy goals intended to directly advance our national interests. And there is a desperate need to cut back on AID's huge administrative structure that today consumes vast amounts of our humanitarian and developmental aid funds.

Out of a $2.3 billion developmental aid account, AID spends $600 million on its formal operating expenses account. This is 25 cents for every developmental dollar. But in reality, AID's administrative costs are much higher because AID's formal operating expenses only count 5,000 out of its 9,000 employees worldwide. The missing 4,000 are AID contract employees who are paid out of program funds, not operating expenses.

There are other important aspects to this legislation. The bill contains many management improvements sought by the administration. I regret that what State Department initiatives are included in this bill had to come to us informally, as the administration even to this day has refused to submit a formal legislative request.

The bill also puts into permanent law many of the international peacekeeping reforms that were first enacted in our last bill.

Let me also briefly mention a few of the initiatives I have included in this bill.

I have included the text of the Terrorist Exclusion Act, which I first introduced in the House 2 years ago, and which I have reintroduced this year with Senator BROWN as my original cosponsor. This provision will restore the pre-1990 standard allowing denial of a U.S. visa for membership in a terrorist group.

Another provision would codify existing embassy visa terrorist lookout committees. These committees were established by the State Department in 1993 under the Visas Viper Program. However, recent GAO and IG reports indicate that these committees have become moribund. My provision would require the terrorist lookout committees to meet regularly and become more active.

I have also included the requirement for two GAO studies. One would look at the extent to which the activities of four long-standing grantees duplicate activities carried out by the U.S. Government. These groups are the Asia Foundation, the East-West Center, the North-South Center, and the National Endowment for Democracy.

A second study would look at the question of whether the North-South Center used U.S. funds to engage in improper lobbying effort in support of the North American Free Trade Agreement. I am particularly concerned about a publication the Center sent to Members of Congress during the NAFTA debate, entitled ''Assessment of the North American Free Trade Agreement.''

Mr. President, as I have expressed in the past, I know that there has been a great deal of anxiety among the dedicated, hard-working employees of our foreign affairs agencies. That concern comes not just over this bill, but over the generally recognized need to downsize our Federal work force as we move to a balanced budget. I believe that all of us need to do everything we can to remember the human dimension of what we are trying to achieve.

This bill contains broad early retirement and buyout authorities, and we have taken every step we know how to take to make the transition as easy as possible to a streamlined foreign policy structure. This bill also gives the President extraordinary authority to formulate his own transition plan, limited only by the bill's mandated savings target.

Mr. President, the bill before us is an important bill, and I hope that in conference it will become even better. The Foreign Relations Revitalization Act gives credit to our Chairman, to our committee, and to all of the Senators who have supported it since its inception.

I urge its adoption, and I yield the floor.

Mrs. FEINSTEIN. Mr. President, I want to lend my support to the compromise version of S. 908, the State Department Authorization bill.

I would like to take this opportunity to thank the distinguished Chairman of the Foreign Relations Committee, Senator HELMS, and the distinguished Senator from Massachusetts, Senator KERRY, and their staffs, for the many hours they devoted to the long, hard negotiations that were necessary to reach this compromise.

In particular, I want to recognize the efforts of the Senator from Massachusetts. He inherited a difficult, perhaps even thankless, task, and pursued it with his usual diligence, dedication, and wisdom. He had to balance the concerns of many of his colleagues, and of the Administration, while negotiating a very controversial bill. I believe the consolidation compromise he has struck with the Chairman is a good one, a workable one, and a fair one. I want to thank him for his efforts and commend him for his work.

The plan that emerged from the negotiations is a reasonable one. It requires the Administration to submit a plan to consolidate the foreign affairs agencies, but it gives them flexibility to decide how to do so effectively and responsibly.

They are tough standards that the Administration must meet. Within six months they must submit a reorganization plan to the Congress which achieves $1.7 billion in savings over five years. If Congress deems the plan to be unsatisfactory, we can pass a resolution of disapproval and force the Administration to submit a more acceptable plan.

But most importantly, the compromise does not require the Administration to eliminate USAID, USIA, or ACDA. They may decide to do so. But this bill gives the Administration an opportunity to figure out a way to achieve real savings and reform, without necessarily abolishing three valuable agencies that do important work: development and disaster assistance, negotiating and monitoring of arms control agreements, and international broadcasting and exchanges. This flexibility is the key.

The passage of this bill today will produce some other positive developments, many of them long overdue. With the disposition of S. 908, the Senate will be able to confirm 18 ambassadorial nominations and hundreds of foreign service officer promotions. We will also be able to consider the START II treaty before the end of this session, and the Chemical Weapons Convention in the spring.

Of all embassies that are waiting for ambassadors, I think none is more important than the one in Beijing, China, where our former colleague, James Sasser, will become United States Ambassador. I am confident that our country will be well served by the job that he, and the other nominees, will do in their new posts.

Finally, I do want to note that even with the consolidation compromise, there remain a number of provisions in S. 908 that I find deeply troubling. Several of them have to do with China.

Section 606 declares that the Taiwan Relations Act should supersede the three U.S.-China joint communiques as the basis of U.S. policy toward China and Taiwan.

Section 608 calls Tibet an ''occupied sovereign country, and Section 609 requires that the President appoint a Special Envoy for Tibet.

Section 415 requires USIA to submit a plan to create a Radio Free Asia.

Section 611 erects an unnecessarily labyrinthine procedure for screening products that may have been produced by forced labor in China.

These provisions and others combine to create an unnecessary provocation in our relationship with China, at a time when the relationship is still recovering from a recent crisis. They threaten to undermine our One China Policy, which is the basis of the relationship, and to exacerbate tensions when we should be trying to ease tensions.

I look forward to working with my colleagues who will serve on the House-Senate conference on this bill, with the goal of removing or rewriting these provisions. I consider the successful resolution of these matters to be critical to my consideration of whether or

not to support the conference report on this bill.

I am also hopeful that the consolidation plan will not be modified in conference. I am aware that the plan in the House bill does require the elimination of USAID, USIA, and ACDA. If the Senate compromise agreement is substantially altered in conference to reflect the more draconian House plan, it will be difficult, if not impossible for me to support the conference report.

Having said that, I believe it is important to get the State Department Authorization bill to conference, and I intend to support the bill today.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. ABRAHAM). Without objection, it is so ordered.

Mr. HELMS. Mr. President, I have just been informed that the Acting Secretary of State has taken an action that seemed to me to be a direct affront to the Foreign Relations Committee and to the future of relations between the United States and Taiwan, the Republic of China. The Acting Secretary has just named three men to sit on the board of the American Institute in Taiwan, under a procedure that is not normal. Under a longstanding agreement between the Department of State and the committee, specifically between the then-chairman of the committee, Mr. Church, and then-Secretary of State Cyrus Vance, the Department of State is to notify the committee of appointments to the board. Under the terms of the agreement, the committee is to be able to voice its concerns about any of these appointments and these concerns are to be satisfied before the Department proceeds with the appointments. Today, the Acting Secretary of State abrogated that agreement, in my judgment. Now, since 1979, the committee's role in the appointment process was that the committee could have an opportunity to voice its concerns about any individuals appointed to the board of the American Institute in Taiwan, our de facto embassy. We do not recognize Taiwan as a nation. I think we should, speaking as one Senator, but we do not. The American Institute in Taiwan is our de facto embassy.

These concerns were to have been worked out through the department before the appointees are identified. I have just been informed that the department has proceeded with three appointments the day before the committee was scheduled to meet these gentlemen, for the first time. Mr. President, this action, I believe, is an especially strong affront in light of the fact that this very week the Department of State is receiving confirmation of 18 of its ambassadorial appointees and four Foreign Service officer promotion lists.

I am astounded by this decision and have determined that the committee will hold a hearing on the role of the American Institute in Taiwan at which we will compare its role today to the role agreed to previously when it was established in the late 1970's or early 1980's, whenever it was.

AMENDMENT NO. 3100

(Purpose: To authorize the transmittal of a reorganization plan or plans streamlining and consolidating the Department of State and the independent foreign affairs agencies, to make technical amendments to the bill, and for other purposes)

Mr. HELMS. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from North Carolina [Mr. HELMS] for himself and Mr. KERRY, proposes an amendment numbered 3100.

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

The PRESIDING OFFICER. Without objection, it is so ordered. (The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

Mr. HELMS. Mr. President, this amendment has been agreed to on both sides.

Mr. KERRY. Mr. President, let me just clarify with the Senator, it is my understanding the amendment is pending.

Mr. HELMS. Yes.

Mr. KERRY. With the amendment pending, once accepted, the order of business will be to pass the bill and immediately subsequent to the bill being passed we will proceed to the Ambassadors, is that correct?

Mr. HELMS. That is correct.

Mr. KERRY. How much time remains on both sides?

The PRESIDING OFFICER. The Senator from Massachusetts has 54 minutes and 45 seconds, and the Senator from North Carolina has 39 minutes and 44 seconds.

Mr. KERRY. Mr. President, I see two Senators on my side who are on their feet. We would like to yield back some time.

Mr. BIDEN. Mr. President, I ask the Senator to yield 2 minutes.

Mr. SARBANES. I ask that 5 minutes be yielded to me.

Mr. KERRY. I yield 2 minutes to the Senator from Delaware.

Mr. BIDEN. Mr. President, I listened with interest in the Cloakroom to my friend from North Carolina and what he had to say in response to the Senator from Maryland. The Senator from Maryland can surely take care of himself and respond in any way he thinks is appropriate, but at one point we all say things that we sort of slip and say and do not mean.

He made reference to our nominee to China, former Senator SASSER as ''needing a job.'' I inform the Senator that not only does Senator SASSER not need a job, he is doing financially much better now than he did when he was here. He needs no job. This is a public service to which he has agreed to return, and I am sure the Senator did not mean to imply anything by what he said, but I want the RECORD to make it clear. Senator SASSER does not need a job—it is for those of us, including the President, who think we need Senator SASSER to come back to public service. I yield the floor.

Mr. KERRY. Mr. President, I yield 5 minutes to the Senator from Maryland.

Mr. SARBANES. I listened with a great deal of interest to the Senator from North Carolina.

First of all, let me say that in the last 6 months of the Bush administration we confirmed 63 ambassadorial nominees. The Senator said there were 12 that were not confirmed. So that would be 63 out of 75, which is 84 percent.

The Senator has allowed no ambassadors to be confirmed—not 10 percent, not 20 percent, not 40 percent, not 60 percent, not 80 percent, not 84 percent. None. None at all.

Some of the nominees that were not confirmed at the end of the Bush administration were not ambassadorial nominees, but nominees to commissions and boards. In any event, the Senator said there were 12 that were not confirmed. Sixty-three were confirmed over the last 6 months of the Bush administration, 84 percent.

The Senator from North Carolina has held everyone hostage. He will not allow any of them to go through, even though we have very important national interests with respect thereto.

The Senator was given two votes in the Senate in trying to get to his reorganization bill—votes of 54 to 45. The Senate refused to invoke cloture and to go to that legislation. Having been thwarted in that sense, the Senator then set out on his hostage strategy and held up the ambassadors and held up the treaties, in my view putting at risk very important national security interests.

Mr. President, I ask unanimous consent to have printed in the RECORD a column from the Arms Control Association newsletter following my remarks.

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

(See exhibit 1.)

Mr. SARBANES. Mr. President, in that newsletter it says:

Prompt Senate approval of START II—the treaty that would reduce the Russian strategic threat to the United States from some 8,000 to 3,500 nuclear warheads—is becoming increasingly doubtful despite overwhelming bipartisan congressional support. Senator JESSE HELMS (R-NC), asserting his power as chairman of the Senate Foreign Relations Committee, is holding this important treaty, as well as the Chemical Weapons Convention, hostage to passage of unrelated legislation. Failure to complete Senate action promptly could delay for years the entry into force of these agreements with great disadvantage to U.S. security.

And I underscore that concluding phrase ''with great disadvantage to U.S. security.''

Finally, I say to my colleague from North Carolina that, as chairman of the committee, it seems to me, the Senator has certain responsibilities. To hold the balance of the work of a committee hostage because the Senator has not been able to get his way on a particular piece of legislation is not a very efficient way to carry out the work of the committee.

Obviously, it was a tactic used to heighten pressure, in a sense, a coercive tactic. And I very much regret that it occurred.

I yield the floor.

EXHIBIT 1

[From Arms Control Today, Oct. 1995]

HOLDING U.S. SECURITY HOSTAGE

(By Spurgeon M. Keeny, Jr.)

Prompt Senate approval of START II—the treaty that would reduce the Russian strategic threat to the United States from some 8,000 to 3,500 nuclear warheads—is becoming increasingly doubtful despite overwhelming bipartisan congressional support. Senator Jesse Helms (R-NC), asserting his power as chairman of the Senate Foreign Relations Committee, is holding this important treaty, as well as the Chemical Weapons Convention (CWC), hostage to passage of unrelated legislation. Failure to complete Senate action promptly could delay for years the entry into force of these agreements with great disadvantage to U.S. security.

By refusing to schedule any meetings, Helms has stopped all action before his committee in an effort to force the administration to accept his plan to integrate into the State Department three independent agencies, the Arms Control and Disarmament Agency (ACDA), the Agency for International Development and the U.S. Information Agency. Senate approval of START II, which Helms has not opposed, could be obtained with little or no opposition as soon as a formal committee markup of the resolution of approval can be scheduled. But until Helms relents, the United States cannot demonstrate to Russia and the world its support for reductions in strategic nuclear forces.

The multilateral CWC, which will ban development, production and stockpiling of chemical warfare agents as well as their use, may require a final hearing to resolve some questions. But, under the able leadership of Senator Richard Lugar (R-IN), the necessary resolution of approval should be easily obtained. Because many countries are awaiting U.S. ratification, Senate inaction prevents the early entry into force of this agreement, which universally bans possession and use of the ''poor man's nuclear weapon.''

Senator Helms is reportedly willing to reduce the ransom to only two of the three threatened agencies with the choice left to the administration. The White House has properly declined to bargain with hostage-takers and vowed not to yield on this issue. However, the longer this standoff lasts, the less likely any action will occur in time to influence favorable Russian action on either treaty.

The prospects for START II ratification in the Russian Parliament are much more precarious than in the U.S. Senate, notwithstanding Helms' maneuvering. A narrow window of opportunity for action appears to exist for the next month or two before the Russian Parliament adjourns to prepare for mid-December elections. While the makeup of the next Parliament cannot be predicted, it may well be even more nationalistic and more hostile than the present body to proposed NATO expansion, military action against the Bosnian Serbs and reduced U.S. economic support.

President Boris Yeltsin has strongly endorsed START II, subject only to the condition that the ABM Treaty remain in force. Although members of the Russian Parliament have attacked the agreement as biased against Russia, support for the agreement from the Russian military has helped counter much of the criticism. The military recognizes that it does not need and cannot afford its current strategic force structure and appreciates the value of maintaining strategic parity with the United States. Faced with a more nationalistic Parliament and U.S. endorsement of a national ABM system, the Russian military cannot be expected to carry the torch for START II into the post-Yeltsin era.

Delay invites unanticipated, disruptive events to intervene. Progress on a comprehensive test ban was interrupted by external events in the Eisenhower, Kennedy and Carter administrations. START I was signed by President George Bush in July 1991, but entry into force was delayed until December 1994. START II, signed by Bush in January 1993, has been delayed first by the problem of resolving the nuclear status of Belarus, Kazakhstan and Ukraine, and now by the actions of a single cantankerous senator. A future Russian Parliament may be the next barrier. But Russia's uncertain future is all the more reason to move promptly to pin down these gains for U.S. and international security before unanticipated events make START II's entry into force impossible.

These truly bipartisan treaties, which were negotiated and signed by former President Bush and nurtured by the Clinton administration, must not be casually sacrificed as hostages in guerilla political warfare. The Senate Republican leadership has a clear obligation to persuade Helms to release them without further delay so the Senate can perform its constitutional role in foreign policy. If the Republican leadership acquiesces in this exhibition of irresponsible personal politics, it will not only have relinquished its deserved share of credit for the treaties, but it will have to accept responsibility for this blow to U.S. security.

The PRESIDING OFFICER. Who yields time?

Mr. HELMS. Mr. President, I am prepared to yield back my time if Senator KERRY could yield back his.

This back and forth like two sore-tailed cats in a room full of rocking chairs is not serving the Senate well, and I do not intend to participate in it any further. And I am a little bit sorry that I did at all.

But I accept the Senator's criticism. I know how he feels, and he knows how I feel, too.

So, tentatively, I yield the remainder of my time pending whether Senator KERRY yields his back.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KERRY. 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. KERRY. Mr. President, it is my understanding that Senator HELMS yielded back his time.

The PRESIDING OFFICER. The Senator has indicated that he is prepared to yield back the remainder of his time pending the decision on the part of the Senator from Massachusetts to do so as well.

Mr. HELMS. Mr. President, I believe the business before the Senate is the amendment. Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. HELMS. I believe it is understood between us that this will be approved on a voice vote. Is that correct?

Mr. KERRY. Yes.

Mr. HELMS. I ask the Chair to put the question.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from North Carolina.

The amendment (No. 3100) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. KERRY. Mr. President, I yield the remainder of my time.

Mr. HELMS. I thought I had yielded mine back.

The PRESIDING OFFICER. All time is now yielded back.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. Under the previous order the Foreign Relations Committee is discharged from the consideration of the House companion bill, H.R. 1561.

The clerk will report.

The bill clerk read as follows:

A bill (H.R. 1561) to consolidate the foreign affairs agencies of the United States; to authorize appropriations for the Department of State and related agencies for fiscal years 1996 and 1997; to responsibly reduce authorization for appropriations for United States foreign assistance programs for fiscal years 1996 and 1997, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. HELMS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Under the previous order, all after the enacting clause is stricken, the text of S. 908, as amended, is inserted in lieu thereof, and the bill is considered read a third time.

The question now occurs on passage of H.R. 1561, as amended.

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

The assistant legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Texas [Mr. GRAMM] is necessarily absent.

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

The result was announced—yeas 82, nays 16, as follows:

[Rollcall Vote No. 605 Leg.]

YEAS—82

Abraham	Exon	Lugar
Akaka	Faircloth	Mack
Ashcroft	Feingold	McCain
Baucus	Feinstein	McConnell
Bennett	Ford	Mikulski
Bingaman	Frist	Murkowski
Bond	Glenn	Nickles
Boxer	Gorton	Nunn
Bradley	Graham	Pell
Breaux	Grams	Pressler
Brown	Grassley	Pryor
Bryan	Gregg	Robb
Burns	Hatch	Rockefeller
Byrd	Hatfield	Roth
Campbell	Heflin	Santorum
Chafee	Helms	Shelby
Coats	Hollings	Simpson
Cochran	Hutchison	Smith
Cohen	Inhofe	Snowe
Conrad	Inouye	Specter
Coverdell	Jeffords	Stevens
Craig	Kassebaum	Thomas
D'Amato	Kempthorne	Thompson
Daschle	Kerrey	Thurmond
DeWine	Kerry	Warner
Dole	Kohl	Wellstone
Domenici	Kyl	
Dorgan	Lott	

NAYS—16

Biden	Lautenberg	Murray
Bumpers	Leahy	Reid
Dodd	Levin	Sarbanes
Harkin	Lieberman	Simon
Johnston	Moseley-Braun	
Kennedy	Moynihan	

NOT VOTING—1

Gramm

So the bill (H.R. 1561), as amended, was agreed to.

(The text of the bill will be printed in a future edition of the RECORD.)

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, S. 908 is indefinitely postponed.

The Senator from North Carolina.

Mr. HELMS. Mr. President, I do not see the distinguished Senator from Maine [Ms. SNOWE] in the Chamber, but I wish to thank her for her unwavering commitment to seeing this reorganization bill through to this point.

In fact, all of the Republican members of the Foreign Relations Committee have stood in unison throughout, from the very beginning, in support of this bill.

I wish to pay my respects to Admiral Nance, the chief of staff of the Foreign Relations Committee; Steve Berry and Elizabeth Lambird, Chris Walker, and Kristin Peck and, as always, the able floor staff for their help, Elizabeth Greene and the rest.

I thank Senator KERRY for his cooperation in these difficult times the past few weeks, and I especially thank his staff person, Nancy Stetson, for her continued work on this bill.

I thank the Chair.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, the other day when we completed the unanimous-consent agreements, I took the time to thank each of the staff. I would simply thank the distinguished chairman for his comments right now and for his expression of gratitude to my staff, and he knows I have reciprocated, joined with him in thanking all of them for a job well done.

I thank the Chair.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to executive session to consider en bloc the nominations listed in the order of December 7, 1995; that the nominations be confirmed, the motion to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and that the Senate return to legislative session.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF STATE

A. Peter Burleigh, of California, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Democratic Socialist Republic of Sri Lanka, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Maldives.

Sandra J. Kristoff, of Virginia, for the rank of Ambassador during her tenure of service as U.S. Coordinator for Asia Pacific Economic Cooperation (APEC).

John Raymond Malott, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Malaysia.

Kenneth Michael Quinn, of Iowa, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Cambodia.

William H. Itoh, of New Mexico, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Thailand.

Frances D. Cook, of Florida, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Sultanate of Oman.

J. Stapleton Roy, of Pennsylvania, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Indonesia.

Thomas W. Simons, Jr., of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Islamic Republic of Pakistan.

Richard Henry Jones, of Nebraska, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Lebanon.

James Franklin Collins, of Illinois, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador at Large and Special Advisor to the Secretary of State for the New Independent States.

Charles H. Twining, of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Cameroon.

Charles H. Twining, of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Equatorial Guinea.

James A. Joseph, of Virginia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of South Africa.

Don Lee Gevirtz, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Fiji, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Nauru, Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Tonga, and Ambassador Extraordinary and Plenipotentiary of the United States of America to Tuvalu.

Joan M. Plaisted, of California, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of the Marshall Islands, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Kiribati.

Jim Sasser, of Tennessee, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the People's Republic of China.

David P. Rawson, of Michigan, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Mali.

Gerald Wesley Scott, of Oklahoma, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of The Gambia.

Robert E. Gribbin III, of Alabama, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic Rwanda.

Foreign Service nominations beginning Robert S. Gelbard, and ending Sandra L. Williams, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of September 5, 1995.

Foreign Service nominations beginning Paula O. Goddard, and ending Michael Ranneberger, which nominations were received by the Senate and appeared in the CONGRESSINAL RECORD of September 5, 1995.

Foreign Service nominations beginning Carol A. Peasely, and ending Sarah S. Olds, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of September 22, 1995.

Foreign Service nominations beginning Henry Lee Barrett and ending Harry L. Tyner, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of October 31, 1995.

NOMINATION OF JAMES R. SASSER TO BE AMBASSADOR TO THE PEOPLE'S REPUBLIC OF CHINA

Mr. DODD. Mr. President, I rise to speak in support of the confirmation of Senator James R. Sasser to be the next United States Ambassador to the People's Republic of China. In my opinion President Clinton could not have made a better choice.

During the last few months, relations between the United States and China have stumbled along a very rocky road. With increased tensions and frustrations between our two governments, we have sorely missed the presence of a U.S. Ambassador in Beijing to represent our policy and to facilitate much-needed communications. Unfortunately, the nominations process was held up here in our own Chambers. However, recent developments have encouraged me to believe that Senator Sasser will soon be able to take his post in Beijing.

I am anxious to reassure the Chinese Government that the delay here in the Senate is in no respect reflective of the sentiment of the Senate about the capabilities of Jim Sasser. In fact, I could not speak more highly of this nominee and his outstanding capacity to serve both of our countries well. The Chinese are very fortunate to receive a representative of the United States who is close to the President and can communicate directly with him on important issues. In addition to his valuable ties to the White House, Senator Sasser is a highly educated, articulate, and thoughtful man. He has approached this position with enthusiasm and a dedication to learning about his new host country. I have know Jim Sasser since I first arrived in this Senate body 15 years ago. Over the years, I have admired his outstanding commitment to public service and appreciate the efforts he has made to improve the lives of his constituents and the citizens of this country. I know that, in his new capacity as Ambassador to China, Jim Sasser will once again display this commitment with dignity and strength.

The Clinton administration has chosen wisely by nominating Senator Sasser to the important post of Ambassador to China. The People's Republic of China is an increasingly significant player in the international arena and in United States foreign policy. While our economic, political, and security ties with China have multiplied over the last decade, we are still facing many areas of disagreement. We should move quickly to install our Ambassador in Beijing, to demonstrate our good intentions to the Chinese. Swift Senate approval of Jim Sasser will offer new opportunities for communication and cooperation between our two countries.

Mr. BUMPERS. Mr. President, the Senate has just acquitted itself very well by approving a list of ambassadors, particularly that of our former colleague, Jim Sasser.

Jim Sasser came to the U.S. Senate in 1978. He acquitted himself immediately with his colleagues in a most admirable manner. We all knew shortly that Jim Sasser had a very keen mind and quick wit. He ingratiated himself very well with his colleagues and almost instantly became one of the most popular Senators; by the time he left here, in my opinion, he was the very best Senator in the U.S. Senate.

His tenure as chairman of the Budget Committee was exemplary. Hour after hour after hour he sat there in the manager's chair, dealing with the most complex and difficult legislation of the year, and that was the budget.

It is a real travesty that the confirmation of a man of his talents has been held up for so very long, at a time when American-Chinese relations need a good, strong Ambassador more than ever. I promise my colleagues—and of course most of you know this—that Jim Sasser will represent this country with great distinction. He will do it with dignity and with integrity.

The Chinese will find very quickly what all of us found very quickly, that he is a quick learner. His integrity is absolutely unimpeachable.

This is a great day for him and his family. His lovely wife Mary and their beautiful daughter Elizabeth will be accompanying him to China. They have waited a long time. They have been hanging by their thumbs, wondering whether they would be able to go to Beijing, for almost a year now.

So this is a great day for the Sasser family. It is a great day for the Chinese. Above all, it is a great day for America, that we can appoint somebody of his talent and his skills.

Finally, I want to personally, and I know I speak for almost all of my colleagues, wish him Godspeed and much luck. I yield the floor.

Mr. PRYOR. Mr. President, I am very grateful to the Senator for yielding me this time, because a few moments ago the Senate voted to confirm 19 ambassadorial nominees. I am very pleased, as I know my colleagues are, that these nominations are finally moving forward. I am especially happy to note that my friend, and I should certainly say our friend and former colleague, Jim Sasser, will soon be allowed to take his post as United States Ambassador to the People's Republic of China.

As we enter a new century, it is my belief no other international relationship is filled with more potential, or fraught with more dangers than the United States relationship with China. In recent years, China has become one of the world's fastest-growing economic and military powers. China is already a major player in Asia, and in the coming years we will likely see it assert itself as a full-fledged international power.

The Clinton administration has rightly concluded that it is in America's best interest to stay actively engaged with the Chinese. Although our two countries often have sharp differences on both economic and human rights issues, it is very important to maintain a constant dialogue between Beijing and Washington. Put simply, the future stability and prosperity of the Pacific rim are largely dependent on a cooperative U.S. relationship.

Mr. President, this administration has also rightly concluded that the best person, the very best person, to represent America in China at this moment, the right person to guide our foreign policy in China during this critical time, is our good friend and former colleague, James R. Sasser of Tennessee.

I want to congratulate Jim Sasser today. I recognize how fortunate our country is that he has agreed to accept this enormous challenge.

I also want to commend President Clinton for choosing such an outstanding person to represent our interests in Beijing. Like many of my colleagues, I had the pleasure of working with him during a large portion of his 18 years of service to the people of Tennessee and America.

During his time in this body, Jim Sasser earned a reputation as one of the Senate's most thoughtful and skillful Members. As my colleagues know, the dynamics of the Senate require that Members often put partisanship aside in order to get things done. Jim Sasser was someone whom Senators on both sides of the aisle could count on to roll up his sleeves and do the job right.

Mr. President, a prominent example of Senator Sasser's skill and dedication can be found in his work as chairman of the Budget Committee. As my friend from New Mexico, Senator DOMENICI, will tell you, leadership of the Budget Committee can be one of the Senate's most thankless tasks. It is a difficult job, requiring an ability to balance the priorities of colleagues from both parties. I think all of my colleagues will agree that Senator Sasser's chairmanship was notable for its honesty, patience, and above all, fairness. It is the characteristic of that fairness that is the hallmark in Jim Sasser's life.

In the coming days, Senator Sasser will begin to put his considerable talents to work as Ambassador to China. As he no doubt realizes, there is much work to be done. During the past year, United States-Chinese relations have been strained by continuing trade disputes and the Taiwan issue. The United States needs someone who can improve the dialog with China while at the same time holding firm to American principles. Jim Sasser is more than up to this challenge.

Mr. President, I want to close by wishing our firend Jim Sasser and his family the best of luck as he continues to serve his Nation as Ambassador to China. I have every confidence that his tenure will be marked by distinction and success. I thank the Chair and yield the floor.

Mr. BINGAMAN. Mr. President, I wanted to join both Senators from Arkansas in stating what an excellent choice Jim Sasser is for Ambassador to China.

I had the good fortune to be in Beijing this summer and to see firsthand the importance of that post which the President has chosen Senator Sasser to fill. I had the good fortune to serve here in the Senate for 12 years with Jim Sasser. I know of his great negotiating skills, his great leadership ability, and I believe his great advocacy skills, which will serve him well and serve this country well in this new position which he is about to take on.

So I think the Senate has acted very appropriately, the President has acted appropriately, and I look forward to the day when Jim Sasser is our representative, very soon, in Beijing. I again commend all Senators for voting for his nomination.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

APPOINTMENT OF CONFEREES—H.R. 1561

The PRESIDING OFFICER. Under the previous order, the Senate insists on its amendment to H.R. 1561 and requests a conference with the House.

The Chair appointed Mr. HELMS, Ms. SNOWE, Mr. BROWN, Mr. COVERDELL, Mr. ASHCROFT, Mr. PELL, Mr. KERRY, Mr. SARBANES, and Mr. DODD conferees on the part of the Senate.

CUBAN LIBERTY AND DEMOCRATIC SOLIDARITY [LIBERTAD]

The PRESIDING OFFICER. Under the previous order, the Chair lays before the Senate the following message from the House of Representatives on H.R. 927, Cuban Liberty and Solidarity Act:

Resolved, That the House disagree to the amendment of the Senate to the bill to seek international sanctions against the Castro government in Cuba, to plan for support of a transition government leading to a democratically elected government in Cuba, and for other purposes'', and ask a conference with the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That Mr. Gilman, Mr. Burton of Indiana, Ms. Ros-Lehtinen, Mr. King, Mr. Diaz-Balart, Mr. Hamilton, Mr. Gejdenson, Mr. Torricelli, and Mr. Menendez be the managers of the conference on the part of the House.

The PRESIDING OFFICER. Under the previous order, the Senate insists on its amendment and agrees to the request by the House for a conference.

The Chair appointed Mr. HELMS, Mr. COVERDELL, Mr. THOMPSON, Ms. SNOWE, Mr. PELL, Mr. DODD, and Mr. ROBB conferees on the part of the Senate.

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1996—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the conference report to accompany H.R. 2099, the VA–HUD appropriations bill, which the clerk will report.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2099) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for fiscal year ending September 30, 1996, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of November 17, 1995.)

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I thank the Chair and my distinguished ranking member. We have before us the VA–HUD appropriations conference report. As I understand it, there is to be 30 minutes equally divided between the two managers, 10 minutes under the control of Senator BUMPERS, 10 minutes under the control of Senator BOXER, 10 minutes under the control of Senator HUTCHISON, 10 minutes under the control of Senator LAUTENBERG, and 10 minutes under the control of Senator MCCAIN.

Ms. MIKULSKI. Mr. President, the Senate is not in order.

The PRESIDING OFFICER. The Senator is correct. The Senate will come to order. The Senator from Missouri has the floor.

Mr. BOND. I thank the Chair.

Mr. President, it is with some pride, some relief, and some frustration, I now present to the Senate the conference report on the appropriations bill for the Departments of Veterans Affairs, and Housing and Urban Development, and independent agencies for fiscal year 1996. Consideration of this bill has been a long, difficult process. While we should have been able to complete our work long before now, I do believe we have wasted little of this time in producing the best possible measure for consideration by the Senate.

Work on this measure began over a year ago, beginning with analyses of budgetary trends and programmatic needs for activities under the subcommittee's jurisdiction. It was obvious at that time, that our Federal low-income housing programs were out of budgetary control. Concerted policy reform was critical to avoid a disaster of unprecedented magnitude.

In January of this year, as the newly selected chairman of this subcommittee, I convened a series of special hearings on the budgetary and management crisis at HUD. We detailed the magnitude of our budgetary shortfall to maintain the existing multifamily subsidized housing inventory of the Department. We explored urgently needed reforms in the housing preservation program to reduce cost, avoid windfall payments, and reduce long- term rental subsidies. We also delineated policy changes in public housing to reduce bureaucratic overregulation and micromanagement, to increase local flexibility, decision-making, and efficiencies.

From these hearings we developed a strategy to begin these comprehensive changes in Federal housing programs. First, in the Disaster Supplemental and Rescission Act we initiated the first round of deregulation, and rescinded $6.5 billion of previously appropriated HUD funds to turn-off the spigot of unsustainable housing subsidy commitments. At that time we noted the urgency of comprehensive housing authorization legislation to complete this reform effort during fiscal year 1996.

Unfortunately, this legislation has been delayed, although we remain hopeful that early next year the measures reported by both the House and Senate authorizing committees will pass the Congress. In the absence of such legislation, however, we have used the appropriations process to establish a strong foundation in beginning the major reform and overhaul of HUD. The measure before us today reflects almost all of the reform proposals which passed the Senate in September. They include public housing and assisted housing rent reforms, including a minimum rent, repeal for onerous Federal resident selection criteria, free-market decontrol of section 8 lease terms, and flexibility in resident income mix and funds utilization.

This measure maintains the Senate-passed public housing demonstration initiative which will allow up to 30 public housing authorities to combine public housing and section 8 subsidies into a locally determined low-income housing assistance block grant. In addition, the bill also includes the Senate proposed multifamily mark-to-market demonstration, which is discretionary authority for the Department, and willing apartment development owners, the opportunity to explore workout strategies which reduce dependence on rental subsidies while preserving affordable housing. Coupled with the one-time, 1-year extension of expiring project-based subsidy contracts, the multifamily housing demonstration authority sets the stage for consideration and enactment of needed comprehensive reform legislation next year.

Mr. President, the measure before us also maintains the effort recommended

by the Senate to fund a reformed housing preservation program. As I noted earlier, the committee identified a number of very troubling defects and problems in the previously enacted Low Income Housing Preservation and Resident Homeownership Act [LIHPRHA]. In fact, the HUD inspector general labeled this program as a ''rip-off'' and urged reform or termination. But with as many as 150,000 affordable housing units at risk, the committee chose the more difficult task of identifying less costly and more efficient means of preserving this valuable housing resource. Working with residents, owners, nonprofit organizations, and the Department, a strategy to prioritize sales to non-profits and tenant-sponsored organizations utilizing capital grants was developed and is provided for in this conference agreement. This provides the best means of assuring long-term preservation of this housing without encumbering the government with expensive and continuing rental subsidy obligations.

It was our intent that the Department cut off any further use of section 8 assistance to finance these preservation arrangements. The Department has already initiated the use of capital grants to finance sales of these developments, and we expect that similar authority will be identified or enacted to utilize similar capital loans for refinancing preservation agreements when such projects become eligible for funding in July.

Because of technical budgetary rules, the committee was not able to delineate fully these program changes within the conference agreement. Moreover, in connection with the larger issue of maintaining the inventory of the newer-assisted section 8 new construction-substantial rehabilitation multifamily projects, Congress will be required to address these complex and difficult housing finance issues in a comprehensive authorization measure next year. At that time, we hope to enact a carefully targeted and efficient housing preservation program. Pending that action, the conference agreement provides the Department the authority and resources to minimize potential displacement of low-income families.

Mr. President, the housing preservation program included in this conference agreement also recognizes that the severe budgetary constraints on these housing activities will not permit preservation of all units under all circumstances. This measure will permit owners to prepay their existing mortgages, as was provided for in their original subsidy contracts, because we cannot afford to compensate every owner to maintain these developments as low-income housing. In those cases, however, existing law, and the conference agreement does provide for section 8 assistance to avoid involuntary displacement of families due to increased rent burdens, and moving expenses if these developments are converted to other uses.

Mr. President, the conference agreement affords the highest priority to veterans programs. The largest increase in the conference agreement—$400 million—goes to veterans medical care, for a total of $16.564 billion. The amount provided ensures that all veterans currently receiving care in VA medical facilities will continue to receive high-quality medical care. The conference agreement makes no reductions to patient care at the VA. It requires administrative improvements—which have been recommended by VA's own inspector general and the General Accounting Office—to make budgetary savings so that VA's medical dollars are spent on veterans, not on bureaucracy and administrative waste.

The conference agreement provides the full budget request for VA's research program, a program critical to ensuring VA recruits and retains top quality medical personnel. In addition the bill also provides full funding for the staff needed to process compensation and pensions claims, so that VA's claims backlog can be eliminated and veterans won't have to wait 6 months or longer to receive an answer on their claim. It provides funding for a study of VA's claims processing system by the National Academy of Public Administration, which we expect will provide specific recommendations for improving and expediting VA's antiquated system.

The conference agreement provides $136,155,000 for VA major construction, an increase of approximately $100 million over the Senate-passed level. The agreement provides funding for authorized construction projects only. No new hospital construction is funded, following the recommendations of the General Accounting Office, and in view of the need to curtail future budgetary commitments.

Mr. President, the conference agreement provides $9 million for the Court of Veterans Appeals, the same amount recommended by both the House and Senate for fiscal year 1996. As with all agencies and activities under this subcommittee's jurisdiction, the court is being required to absorb a reduction in funding in fiscal year 1996 in an effort to reach a balanced budget. While less than the amount requested, the amount provided should be adequate for the court's operations in fiscal year 1996.

Despite the fact that the court's budget has been reduced, I believe that the pro bono representation program should receive full funding in fiscal year 1996. This program has proven very successful in helping the court to address adequately the very large number of pro se cases.

I am troubled by reports that the chief judge does not intend to provide any funds for the pro bono program this year in view of budgetary reductions. I wish to remind the court of the Congress' support for this program, and the fact that the Senate committee report accompanying H.R. 2099 indicated that the program was to receive the full budget request. Any changes will be made only upon the notification and approval of the Committees on Appropriations.

While I certainly do not oppose private sector funding for this program, to my knowledge such funding sources have not been identified, and until there is adequate private sector funding, I do not believe it is prudent to withdraw Federal support.

Mr. President, for the Environmental Protection Agency, the conference agreement provides $5.7 billion, an increase of $48 million over the Senate-passed level and a reduction of just $235 million—4 percent—below the fiscal year 1995 post rescission level.

The largest reductions below fiscal year 1995 come from earmarked water and sewer projects—a reduction of $500 million below last year, and from Superfund, a program which everyone agrees simply is not working as it should, and one which desperately needs reforms before we provide significant additional funding.

Despite substantial reservations about funding a program which is as flawed as Superfund, the conferees found an additional $160 million for Superfund above the House- and Senate-passed levels, for a total of $1.163 billion. This is a reduction of $172 million below current spending, most of which is taken from management and support costs and lower priority activities. All Superfund sites posing an immediate risk to human health and the environment will be funded under the conference agreement.

The conferees funded EPA's drinking water State revolving fund program, which is not yet authorized, at the President's request of $500 million, of which $225 million is from previous year's appropriations. The Senate recently passed the legislation authorizing this important program, and I hope the House will pass similar legislation shortly so that the States may spend these funds in fiscal year 1996.

For clean water State revolving funds, the conferees provided $1.125 billion. In addition, if drinking water legislation is not enacted by June 1, 1996, the conference report stipulates that the $500 million in drinking water State revolving funds will become immediately available for clean water State revolving funds, for a total of $1.625 billion. This ensures that the States will be able to spend these funds in fiscal year 1996, regardless of whether drinking water legislation is enacted.

EPA's science and technology account is funded at $525 million, the same level of funding as fiscal year 1995. The conferees recognized the importance of ensuring adequate funding for the research activities which support EPA policy and decisionmaking. Additional funds are provided for research into the health effects of arsenic, so that we have the best science for a new standard for arsenic in drinking water.

EPA's environmental programs and management are funded at $1.55 billion, a reduction of approximately 7 percent below current levels. Reductions are taken from lower priority activities such as the environmental technology initiative, which has received substantial funding to date with very little to show for it.

As to the so-called EPA riders, the conference agreement does not include any of the 17 House riders. Instead, the conference agreement includes only six legislative provisions for EPA—most of which are completely non-controversial and several of which were included in previous VA-HUD bills.

Mr. President, while the statement of the managers accompanying the conference report includes some language on legislative issues which had been included as riders in the House bill, in no case does the statement of the managers limit spending or direct that a specific rulemaking or activity be discontinued. The conferees simply urge EPA to consider reviewing these issues.

It should be noted, that this conference agreement will provide the Environmental Protection Agency an 11½ percent increase over the funding levels currently stipulated by the continuing resolution. Anyone who is concerned about potential cutbacks in EPA enforcement activities should understand, in clear and unmistakable terms, that failure to enact this conference agreement means deeper and more devastating cut-backs in that Agency's activities.

Mr. President, the House, 2 weeks ago, recommitted our conference agreement on this bill. The second conference on the VA-HUD Appropriations Bill adopted a package of technical amendments and corrections. In addition it included an amendment to the National Service appropriation to reflect the Congressional Budget Office estimate of close-out costs. Finally, conferees amended the previous agreement to freeze administrative fees of the HUD section 8 program and thereby address concerns over the unintended consequences of attempting to institute a two-tiered reimbursement system.

As noted earlier, further increases for VA Medical Care would only mean much deeper cuts in the other agencies funded in this bill. No conferee advocated such an adjustment. Furthermore, I believe we must insist that the VA implement improvements and reforms before providing further funding increases. We all support the best possible medical care for those who have been injured or wounded in defense of our Nation. Unfortunately, even with all the money in the world, there is no assurance that VA's existing bureaucratic structure could deliver such services, and we must demand these corrections.

Mr. President, this is a good conference agreement which, within our very severe budgetary and legislative constraints, goes a long way toward needed reforms in HUD, VA, and EPA. It addresses the highest priority needs served by agencies within the subcommittee's jurisdiction, and it is fully in compliance with our fundamental goal of bringing the Government's budget into balance.

I hope that this bill will be enacted. It needs to be enacted soon, if only to begin the process of reforming HUD housing programs which will permit future year cost savings and efficiencies, to improve the quality of EPA regulatory decisionmaking so that it is based on sound science, and to infuse modern medical practices into the archaic and bureaucratic veterans health care system.

Mr. President, unfortunately I must report that despite our best efforts and repeated attempts, we have been unsuccessful in gaining the attention of the White House to negotiate a reasonable compromise on their demands for more spending, far more than what any balanced budget plan can accommodate. That is the source of my very deep frustration over this bill.

I have stated repeatedly that while some White House priorities are very different from my own and that of a majority of the Congress, we are prepared to sit down and seek a reasonable compromise on these issues. Matters such as the national service program, one of this administration's highest priorities, is an activity which I believe is very flawed in its approach and rife with misuse in its current management. I don't disagree with the fundamental goal of this program, but I cannot recommend more funding for the current program. Termination of this program is proposed in this conference agreement, but we have offered to consider additional funding if necessary reforms could be negotiated. Unfortunately, these offers have fallen on deaf ears in the White House, and only further threats of a veto have been communicated back to us.

Mr. President, this is no way to run a government. It certainly is no way to consider and enact legislation to assure the taxpayers that the sums we propose to spend are being devoted only to the most critical needs and in the most efficient manner possible. Unfortunately, unless the White House changes its tune, we have no alternative but to proceed with the agreement before us, despite the veto threats. We can only hope that by the end of this session some agreement with the administration can be struck, and the many critically needed reforms included in this bill will be enacted into law.

I think we were very successful in the conference. With the very able assistance of our ranking member, we prevailed on many of the issues. This measure is not an easy one because we took a 12-percent cut this year from the appropriated level last year. Nevertheless, we have tried to accommodate the various needs of the many agencies under the control of this subcommittee. I think this is a good measure. We have been advised by the President's representative that he does plan on vetoing it.

Earlier today, I made a very strong plea that the administration reconsider that decision. There has been a great deal of objection from the administration to the very low level of funding available for certain vital EPA functions, particularly in the enforcement area. Under the continuing resolution, there is only $320 million available for EPA enforcement in the current year, if the continuing resolution is in effect. Under this measure, we have raised that amount to $449 million.

I have also previously stated that we tried on numerous occasions to enlist the representatives of the administration in constructive negotiations with us as to how we might reallocate the funds within the budget allocation. The response has been solely that they want $2 billion more. It is beyond the ability of this committee to grant them that money. I would suggest very strongly that if the administration does not like the CR funding level for EPA and the other agencies, they can sign this bill and get about an 11.5 percent increase in funding for EPA. If at a later date in the process of negotiations between the congressional leadership and the White House a decision is made at that level to make available more dollars for the functions in this bill, then they could at that time add it in a continuing resolution.

There are certain measures that I know are very important to the administration. The ranking member has argued very strongly to continue funding of the national service. We were unable to find that money in the very narrow allocation that we had, although had the administration been willing to negotiate with us and support the bill, I am confident we could have. We would have not been able, however, to pass the measure with majority party support if we had put in a large amount for national service.

I remain hopeful that this measure can be signed, and at such appropriate time as the administration, the congressional leadership reach agreement on additional funding which may be available to these functions, they would include it in a continuing resolution.

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

Ms. MIKULSKI. Mr. President, this is the toughest year I have ever faced as a member of the Appropriations Committee. I would like to thank Senator BOND and his staff, who worked very hard, under difficult conditions, to bring this bill to the floor. I also want to thank my own staff for the hard work that they put in and their effort to try to create a VA-HUD appropriations bill that would pass the Senate and be approved by the President.

However, I believe that this bill will be vetoed, and I believe that the bill will be vetoed not because of the hard work of the chairman, not because of

our attempt to strategize on an effective allocation of funds, but this year was so tough simply because of the modest allocation we received, and that was due to the issues related to the budget.

The amount that this subcommittee was allowed to devote to so many important priorities is indeed skimpy. Under these conditions I believe Senator BOND has done a commendable job. I chaired this committee for 6 years and brought six bills to the floor. I know how much work it is, and, again, I am going to thank him for his cooperative effort. He tried very hard to bring about change. I believe this bill reflects this change.

I believe that this bill begins to reform HUD. It puts into action the recommendations of the National Academy of Public Administration to reform the structure of HUD and consolidate its maze of programs so we get a dollar's worth of services for the poor and homeownership instead of dollars going to a bureaucracy.

This bill also streamlines the EPA. It follows the National Academy of Public Administration's recommendations to streamline EPA management and get started on a strategy to put EPA's resources where they are most needed, to be based on the risk to human health and safety.

There are other things about this bill that I like. First is Mission to Planet Earth. The funding cut was limited to only $75 million. Ordinarily I would say, ''Wow, cutting $75 million,'' but given the fact that we faced a $300 million cut, I believe we preserved the Mission to Planet Earth. The House bill cut much of the crucial space science programs, and the House language was to close NASA space flight centers, and those things have been removed from the conference report.

Second, veterans medical research is fully funded at the President's request of $257 million, and a provision to deny benefits to vets who become mentally incapacitated has been removed.

Third, this bill will help those who want to help themselves. It contains a moving-to-work demonstration project for public housing residents, and rent ceilings and income disregards to help support the working poor.

Fourth, Federal housing preferences were moved, which I believe led to the ZIP codes of pathology in public housing. And I am pleased they, too, have been removed.

Lastly, the conference report removes House language to prevent HUD from enforcing fair housing laws on property insurance red lining.

But, Mr. President, unfortunately, serious problems remain in this bill. If these problems are not worked out, the President will veto this bill.

The first problem is that this bill contains no funding to continue national service. National service creates an opportunity structure in which young people can earn credit for higher education while serving their communities. It gives help to those who practice self-help and gives low- and middle-income young people access to the American dream.

National service makes voluntarism a fact of life and rekindles the habits of the heart. It fosters the spirit of neighbor helping neighbor that has made our country great.

The second concern that I have is in the area of veterans medical care. The bill reduces veterans medical care by $400 million below the President's request. With the cuts in Medicare and Medicaid that loom on the horizon, many vets will turn to the VA for medical care but will be turned away because there is not enough money. This, I know, the President cannot support.

Our Nation's veterans did not hesitate to risk their lives for our freedom. There should be no hesitation to fund their health care. When they went to war, we told them we would provide health care. I believe promises made should be promises kept.

The third serious problem is EPA funding. EPA must be funded to protect health and environment. This bill funds EPA $1.5 billion below the President's request, and it will hinder the EPA's ability to do its job in enforcement and in Superfund legislation.

Finally, this bill will transfer HUD's authority to enforce fair housing to the Department of Justice. On this side of the aisle we are opposed to this. Removing this authority from HUD is a step backward in time, and the transfer to Justice will hollow out fair housing enforcement efforts. This flies in the face of civil rights progress we have made over the last 25 years.

It is for these reasons that I oppose this bill. I know my colleagues on this side of the aisle will oppose it. It is regrettable that a budget agreement could not be arrived at so that Senator BOND and I, with the new allocation, could have moved forward to avoid a veto. I know that Senator BOND, and I must say Chairman JERRY LEWIS on the House side, have worked very hard and been open to further negotiations with the White House to avoid a veto. I thank them for that. I want to again thank Senator BOND for his willingness to listen to our concerns.

I think a better allocation would produce a better bill. I regret that we are heading for a veto. With these remarks, though, we could talk long into the night. I now yield the floor.

Mr. McCAIN addressed the Chair.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. I yield myself just 1 minute, and then I would like to yield. But first, let me point out that occasionally we do get some humor in these proceedings, these very serious matters we are dealing with. I got this statement of administration policy. At the end of it, it said, ''The administration would like to work with the Congress to address the issues discussed above.''

Well, they have done a pretty good job of preventing working with us after spending 3 frustrating weeks trying to hear from them. I find out now in their written statement that they want to work with me. I have a telephone number. It is listed. I can be reached. Nobody called.

Let me just say that all of the items you can make an argument we need more money for. Nobody is willing to come forward and say where the cuts are made. We cut low-priority EPA items, useless funds in Superfund, earmarked or pork projects in waste-water treatment. I think we have done as good a job as we can under the circumstances.

Mr. President, if I may, I would like to yield 3 minutes to the Senator from North Carolina. I know that the Senator from Arizona is here. He has the longer statement. The Senator from North Carolina had asked for 3 minutes. I yield 3 minutes to him.

Mr. FAIRCLOTH. I thank Senator BOND.

Mr. President, the conference report provides $19 billion for the Department of Housing and Urban Development. Since HUD was created in 1965, spending for HUD has increased every single year. HUD's spending is increasing so rapidly that by the year 2000, spending on housing will be our largest domestic discretionary spending item. In fact, HUD has unused budget authority of over $190 billion—unused budget authority.

Mr. President, this conference report is significant because, for the first time, it begins to reverse the spending trend at HUD. For the first time in a long time, spending at HUD will decline, and the American people will be better off for it.

While I appreciate what the Appropriations Committee has done for the short term, I think the long-term future of HUD has to be decided and what direction we are going to move it in.

I have introduced legislation with Senator DOLE and Senator ABRAHAM that eliminates HUD.

The legislation we have introduced also provides a clear roadmap as to how HUD can be eliminated. Regrettably, HUD has become a mammoth bureaucracy with over 11,000 employees. It has 240 housing programs—so many that Secretary Cisneros did not even know he had that number. HUD has entangled the American taxpayers in 23,000 long-term housing assistance contracts that will not expire until well past the year 2000.

In short, HUD as it is currently constructed, cannot continue. We need to begin working on how it can be replaced.

Mr. President, let me also add that while there are significant cuts in this bill, there are still some that can be cut a lot more. For example, this bill provides $15 million for the Tenant Opportunity Program—whatever that is. Recently, the Washington Times reported that at least $70,000 from the Tenant Opportunity Program was used to essentially pay for a vacation to

Puerto Rico for public housing tenants from Detroit. Mr. President, that is taxpayers' money that people worked for that is paying for vacations for tenants. In all, we do not know how many people used taxpayers' money, the bookkeeping is so confused. But if one used it, that is one too many.

Mr. President, I support the bill, but we need to do a lot more to cut HUD. I yield the remainder of my time.

Mr. BOND. I yield to the Senator from Arizona 10 minutes.

Mr. MCCAIN. Mr. President, first let me praise the managers of this bill for all their hard work. Although I have concerns about this measure, it contains many good, worthwhile provisions.

Mr. President, as always I remain very concerned about items added in conference that were never considered in either the House or the Senate. It is wrong when pork barrel projects are added in the dark of night to the benefit of certain States and districts. The American public as a whole will benefit most when as distribution of discretionary funds are allocated through competitive bidding and on the basis of need as prioritized on a national level. I would hope we can move more in that direction in the future.

I want to raise two specific matters contained in the VA–HUD Appropriations Conference report.

Section 218 calls for debt forgiveness for the Secretary of Housing and Urban Development to cancel the indebtedness of the Hubbard Hospital Authority of Hubbard, TX, the Groveton, Texas Hospital Authority, and the Hepzibah Public Service in Hepzibah, WV.

I am very concerned about this mandate. The report that explains this action merely states: ''These loans were previously written off as uncollectible and will not increase the Federal debt.''

Unfortunately, this sheds little light on the subject. I would hope that the distinguished managers of the bill—who deserve praise for doing a great deal of good work—would explain why this language will added to the bill in conference and give a rationale for its apparent urgency.

I would also like to know why are we mandating this action. Might it not be more appropriate to authorized to the Secretary to take such action in a manner that treats all other similarly situated entities and localities in a fair and equitable manner?

I am sure there are other localities around this Nation that would like to have their indebtedness forgiven and doing so in conference greatly concerns me.

Mr. President, I am also interested in section 221 of the bill. Section 221 allows for funds to be used in California and Ohio for different purposes than they were originally proscribed. I would inquire of the managers why this language is necessary?

Mr. President, is this not the exact argument why earmarking does not truly serve the public interest. When we earmark and ignore national or regional priorities and then those priorities change, we are forced to change the law or further earmark funds. This clearly demonstrates micromanagement at its worst.

And it is this micromanagement, this endemic earmarking, that has caused us to waste billions of dollars. Are these projects I mentioned today costing the taxpayers millions of dollars? Maybe. But we must change our way of thinking. We must pass a truly balanced budget. We must pass this year the line item veto. And we must stop earmarking.

Unfortunately, it is entirely too easy to say ''yes'' around here and little courage demonstrated to say ''no''. It is much easier to say yes to a colleague who wants to bring home a little piece of pork. But we were not sent here to go along to get along. As Senator GRAMM noted earlier today on the floor in an outstanding statement regarding the budget, the American people sent us here in 1994 to change the way things are done. We were not sent here so that there would be new faces before the cameras voicing the same old fiscal practices of the past.

I am hopeful we will send the President line item veto legislation in the upcoming weeks. It will serve as further notice that the changes called for in 1994 are indeed becoming a reality. I would hope that we will continue to act in a manner that reflects this new thinking.

I congratulate the managers on a fine job, and it is my understanding that the distinguished manager will supply the responses to my concerns for the RECORD.

I yield the remainder of my time.

Mr. BOND. Mr. President, let me take a minute and thank the Senator from Arizona. Basically, as he indicated, the debt forgiveness was designed to clear the books. There is no prospect of recovery. We will provide a fuller answer for the RECORD. The two provisions relating to Texas were included in the House. The one with respect to West Virginia was added in the conference. We will provide the full information on that.

Mr. BUMPERS. Mr. President, am I recognized for 10 minutes under the order?

The PRESIDING OFFICER. The Senator is correct.

Mr. BUMPERS. Mr. President, I will not vote for the bill before us principally because it has the space station in it, $2.114 billion, while we cut EPA by about $1.5 billion and veterans medical services by somewhere between $300 and $600 million. The space station, which is now calculated by the General Accounting Office to cost $94 billion, still does not have one single redeeming value. Of the $94 billion it is going to cost, $90 billion of that is going to come from the United States. You hear the argument made this is now an international undertaking. That is some undertaking when we are putting up $90 billion of the $94 billion it is going to cost.

Now, for the past several days, we have been reading that even though NASA is giving the Russians $200 million a year to participate in this program—so much for international participation because they are participating and we are giving them the money to participate—they are saying they cannot afford to fulfil their part of the program because we are not giving them enough. So now they are proposing that we allow them to use a part of their existing *Mir* space station, hang it onto our space station and let that count as a contributory share.

Mr. President, I am not going to take up much time on that. I intend to vote against the bill. I am just saying what I have been saying on this floor for about 6 years now. The space station is going to be one disaster after another. This year it is the Russians. Next year, it will be something else.

My staff brought me a little squib on some company that said they had been able to use protein crystals that had been grown on one of the shuttles to develop a flu vaccine, which they hope to finish and perfect by the year 2000. I read the story closely since NASA keeps saying that we will cure all kinds of diseases if only we spend $94 billion on the space station. Well, what the president of the company said was that it was nice to have the space shuttle to develop these crystals, but they could do it on the ground, and they were going to do it anyway. The space shuttle happened to be handy so they used it at taxpayer expense.

None of the pharmaceutical companies in this country is willing to pay for any share of the shuttle or the space station as of this date. Yet, you keep hearing that the space station is going to cure warts, cancer, emphysema, and everything else.

So I am going to vote ''no'' on that.

As far as cuts to the environment, I think this body makes a very bad mistake. We act as if all environmental regulation is somehow bad. Nobody defends environmental regulations that are out of order and excessive. But many environmental regulations are absolutely necessary.

This morning, I picked up the paper and saw that the Washington, DC, sewage system is going kerplunk. It is dilapidated, worn out, and no one has the money to repair it. You are reading more and more stories about that all the time. Bear in mind, colleagues, that the environment determines our very existence, and to build a space station that is going to cost $94 billion while we have sewage running up and down the streets of this country is an absolute outrage.

So I repeat that I won't vote for this bill because the priorities it represents are all skewed-up.

Mr. BYRD. Mr. President, I rise to commend the tireless efforts of the chairman and ranking member of the

VA/HUD Appropriations Committee, Senators BOND and MIKULSKI, in bringing this 1996 VA/HUD conference report to the Senate. As Senators may recall, this is the second iteration of the VA/HUD conference report. The House recommitted the first conference agreement and several technical changes were made, resulting in a second conference report, which is now before the Senate.

This has been a most difficult year for many, if not all, of the thirteen appropriation subcommittees. The VA/HUD Subcommittee, for example, has had to make deep cuts in many critical areas totalling some $9.3 billion below the President's 1996 requests. Cuts in funding for veterans, public housing, the Environmental Protection Agency, NASA, and in a number of other independent Federal agencies, have been necessary.

I greatly appreciate the outstanding work of Senators BOND and MIKULSKI over many months in conducting the numerous hearings, the subcommittee and full committee markups, Senate floor consideration, and the conference on this very important and complex appropriation bill.

This is the first year of Senator BOND's chairmanship of the VA/HUD Subcommittee and he has carried out his responsibilities admirably, under extreme budgetary constraints. I recognize and compliment his efforts.

As for the ranking member of the VA/HUD Subcommittee, the distinguished Senator from Maryland [Ms. MIKULSKI], I am a great admirer. Senator MIKULSKI joined the Appropriations Committee in 1987 and chaired the VA/HUD Subcommittee from 1989 through 1994. She immediately took charge of this most complex subcommittee and never missed a beat. Each and every year, Senator MIKULSKI was able to accommodate whatever came her way in the form of subcommittee allocations which were clearly too small to adequately address the many critical needs under the subcommittee jurisdiction.

She never complained; instead, she went about the difficult task of making the hard decisions of where to cut in the most fair and equitable manner. I am certain that her experience and expertise have been most helpful to the new chairman, Senator BOND, on the bill that is now before the Senate.

I also thank the very capable and dedicated subcommittee staff: Stephen Kohashi, Carrier Apostolou, and Lashawnda Leftwich for the majority; and Rusty Mathews and Steve Crane for the minority. Their efforts are greatly appreciated.

Although this bill may be vetoed by the President, it is in no way a reflection upon the admirable work of the subcommittee members and staff.

LIHPP

Mr. KERRY. Mr. President, I want to recognize the chairman's successful efforts to not only continue the Low-Income Housing Preservation Program in fiscal year 1996, but provide $624 million in funding. This program is extremely important to my state and to many across the country. Thousands of Massachusetts tenants are threatened with displacement if the owners prepay their HUD-assisted mortgages and convert the property to uses other than affordable housing.

I am also generally supportive of the reforms to the program that are incorporated in the appropriations language. There is significant concern that the program may provide excessive incentives. I am hopeful that the authorizing committee on which I serve will take another look at the preservation program next year—with a particularly thorough review of the proposed capital grant approach—and make further refinements with the objective of preserving affordable housing and preventing displacement—without unnecessary costs to the taxpayer.

Unfortunately, the funding levels and program changes also mean that some owners will now choose to prepay. This raises the concern about the adequacy of protections for the residents of buildings in those circumstances where owners decide to prepay and convert their buildings to other uses.

The conference report language protects residents by preventing owners from prepaying their mortgage unless they agree not to raise rents for 60 days following prepayment. The language also raises the value of vouchers to a rent level necessary to allow the residents to stay in the buildings. These are appropriate protections.

Section 223 of the current Low Income Housing Preservation and Resident Homeownership Act [LIHPRHA] provides significant protections to residents who are faced with a prepayment action by an owner. It is my interpretation that nothing in the appropriations language would override the protections provided to residents under section 223 of LIHPRHA, and that these protections would still apply to residents in those buildings where the owners decide to prepay their mortgages. Is that also the understanding of the distinguished Senator from Missouri?

Mr. BOND. Yes, I agree with the Senator from Massachusetts' interpretation—particularly as it relates to eligibility for voucher assistance and moving expenses of residents who are involuntarily displaced. The appropriations bill is intended to restore the right of owners to prepay their mortgages. At the same time, I have argued throughout this process that it is important to retain a preservation program that preserves as much of the affordable housing as possible and protects the residents of the buildings from involuntary displacement.

The appropriations language does not override the protections in section 223. I must add, however, that section 223 may provide benefits to residents that may be inconsistent with the decision by Congress to restore the owner's right to prepay and to the degree that the nature of the section 8 assistance has been modified by the appropriations language. It is my view that the authorizing committee should review all of LIHPRHA—including section 223—over the next year in light of the new funding levels and the changes in the appropriations bill. I thank the Senator from Massachusetts for raising this concern.

Mr. KERRY. I thank the distinguished chairman of the VA–HUD Subcommittee for his remarks and I look forward to working with him on the preservation program in the Banking Committee in the coming year.

Mrs. MURRAY. Mr. President, I want to take a moment to commend the efforts made by Senators BOND and MIKULSKI to improve the fiscal year 1996 VA–HUD appropriations bill. Given the budget constraints, they have done an admirable job of trying to craft appropriate and acceptable language.

Unfortunately, I am still frustrated by what this legislation does to this Nation's veterans programs, housing assistance priorities, and environmental protection policies. This bill not only compromises successful programs like AmeriCorps and Youthbuild, it cuts our housing budget by more than 20 percent.

Mr. President, we have an obligation to improve each and every American's access to safe and affordable housing. Unfortunately, as I warned last spring, the bill before us weakens our ability to provide adequate housing, and it ultimately cuts valuable programs that work.

Mr. President, the HOPE VI Program is designed to replace this Nation's most desperate and distressed housing stock with new, sustainable housing communities that will instill a sense of pride and community. The fiscal year 1996 appropriations bill cuts the HOPE VI Program from $500 million to $280 million. Mr. President, this cut will make it very difficult for current HOPE VI projects to complete their work. Because of this, I want to emphasize how important it will be for the Secretary of the Department of Housing and Urban Development to comply with the Senate report language that expresses the Senate's intent to give priority funding to already-approved HOPE VI sites.

The Senate language allows us to follow through on our commitment to improving housing conditions and opportunities in a time of severe funding constraints.

Mr. President, I am also deeply concerned about the funding cuts the conference bill has imposed on the Environmental Protection Agency. While the conference opted to stay with the higher funding levels urged by the Senate, this level of $5.7 billion still results in a 22.5 percent reduction from the President's budget request and a 14 percent cut from 1995. However, I am most worried about the reductions in several important programs, including environmental and public health standards enforcement, drinking water and

wastewater treatment infrastructure projects for States, and hazardous waste site cleanup.

Mr. President, we are finally making real progress in environmental protection. Our rivers and lakes are cleaner, our air is more breathable, and our drinking water is safer. Now is not the time to slow that progress. Instead, we should move forward so that we leave our world a safer, healthier place for our children.

Mr. President, for these reasons, I must vote against this legislation. But, should the President veto this bill, I look forward to working with my colleagues to improve the bill.

SPELMAN COLLEGE OUTREACH

Mr. COVERDELL. I would like to commend the chairman for his skillful work in shepherding this bill through the Senate and Conference Committee. There are certainly more enviable jobs than having to direct a major portion of spending reductions necessary to reach our ultimate goal of a balanced budget.

Mr. BOND. I thank the Senator.

Mr. COVERDELL. Recognizing his accomplishment in this regard, I would like to bring to the chairman's attention the fine work of many like my constituents at Spelman College in Atlanta in the arena of public housing assistance.

Located near urban Atlanta, Spelman College has established a quality outreach program for public housing residents that seeks to address many of the housing needs and problems in Atlanta and other large cities throughout our country.

Mr. BOND. I am indeed aware of the fine work performed at Spelman and am interested in their progress.

Mr. COVERDELL. The distinguished chairman's comments are appreciated. I would ask the Senator if the committee recognizes the role institutions of higher education play in revitalizing economically distressed urban and rural communities.

Mr. BOND. The committee certainly recognizes the vital role that colleges and universities can play in alleviating many of our problems in these areas, particularly with housing.

Mr. COVERDELL. Recognizing the disproportionate representation of minority women in public housing, would the chairman be willing to consider funding for minority institutions in their efforts to assist with these programs.

Mr. BOND. The committee recognizes the indelible role minority institutions can play in providing outreach and supportive services for residents of public housing. Therefore, of the funds provided, HUD should consider giving to support qualified minority institutions, like Spelman College, that have established outreach programs for public housing residents.

Mr. SARBANES. Mr. President, I rise today in opposition to the conference report on the VA, HUD-independent agencies appropriations bill for fiscal your 1996. While this agreement is an improvement over the bill that passed the Senate earlier this fall, it still fails to provide adequately for a number of programs which are essential to the fulfillment of many of our national priorities.

First, the agreement before us today represents a major step backwards for the environment. This legislation proposes to cut the budget for the Environmental Protection Agency by $1.7 billion, fully 21 percent below the levels enacted in fiscal year 1995. This would significantly undermine the agency's ability to administer and enforce environmental laws and perform its critical mission of protecting public health and the environment. Although most of the harmful House riders in the bill have been stricken, language with similar intent remains in the conference report, including language which would attempt to undermine the Community right to Know Act of 1986.

Under this conference report, Maryland alone, would lose over $14 million in funding required for substantial upgrades to long outdated sewage treatment facilities—projects which will have a direct impact on the water quality of the Chesapeake Bay, our coastal beaches and bays, and other local waters.

Provisions in the underlying measure would cut EPA's enforcement and compliance assurance by 25 percent which would severely impact upon the agency's ability to inspect industrial and Federal facilities in Maryland and prosecute violations. Mr. President, it is my view that this bill unfairly singles our EPA to bear a disproportionate share of the deficit reduction burden. It will not just decrease the rate of increases, but will also severely reduce EPA's funding.

I am also very concerned that this legislation would terminate funding for the national service program. Signed into law on September 21, 1993, the National Service Act has helped to renew the ethic of civic responsibility and the spirit of community service while also providing critical assistance to needy communities throughout the Nation. The measure has encouraged and provided the opportunity for thousands of Americans to give of themselves for the greater good while earning money to further their education. In my view, the legislation effectively merges education and service, two critical components of a healthy society. Eliminating funding for this successful program reneges on our commitment and our responsibility to provide leadership and opportunity in national service.

AmeriCorps, the centerpiece of the national service program, is not one large Federal program, but a network of locally developed and locally managed service corps which gives thousands of young people the opportunity to serve their country while improving their own lives and those of their neighbors. Moreover, the initial investment we have made has encouraged increased private sector involvement in community service programs, including AmeriCorps.

It is my view that those who participate in national service represent the best of our Nation. At a time when we, as a society, are searching for ways in which to strengthen our families and our communities, it would be foolhardy to abandon the national service initiative. AmeriCorps volunteers are taking part in the oldest and best of America's traditions—the spirit of service—and they deserve our support.

Mr. President, this legislation also includes large cuts in Federal housing programs. The VA–HUD appropriations conference report before us contains significant reductions in public housing modernization, public housing operating subsidies, severely distressed public housing programs, homeless assistance programs, incremental housing assistance, programs for distressed multifamily housing, and salaries and expenses.

The funding levels for housing programs included in this bill are inadequate given the housing needs of low-income Americans and the community development needs of our Nation's communities. There is no evidence that the number of homeless people in our society is declining. In fact, available evidence suggests that the number of homeless families with children are increasing. Waiting lists for public and assisted housing remain years long in many places around the country. Too many of our neighborhoods are plagued with vacant homes, aging and decaying infrastructure, and high levels of social distress. HUD's programs, which are being cut severely in this conference report, address these important national needs.

The funding cuts included in this bill will make it that much harder to resolve some of HUD's problems and may, in fact, exacerbate these problems. HUD will need sufficient funds to rebuild the management capacity of the troubled public housing authorities, tear down and replace the aging stock, and address the housing needs of those who currently live in the buildings. Likewise, in order to address the embedded losses in the insured multifamily housing portfolio, the Federal Government should invest resources now in order to save money in the future. If the Federal Government walks away from its longstanding involvement in these buildings, there will be negative consequences for the residents, for the buildings, and for the surrounding neighborhood.

Finally, I am concerned that this bill provides nearly $55 million less than the funding level requested by the administration for staffing and management resources—even though HUD currently has severe staffing shortages. I am deeply concerned that these cuts will harm HUD's ability to meet its mission and, at the same time, resolve some of the management problems that confront them. Significant cuts in

staffing and management resources in advance of restructuring the Department's programs and reducing its workload are, at best, unwise when HUD employees are attempting to manage Government commitments of nearly $1 trillion on behalf of American taxpayers.

Mr. President, with respect to funding for the Department of Veterans Affairs, while I am pleased that the conference report eliminated a provision that would have limited the service-connected compensation paid to certain incompetent veterans who have no dependents, I remain deeply concerned about the overall funding levels provided in this legislation for veterans programs.

Although this measure provides an increase in funding for VA medical care above the fiscal year 1995 level, the $400 million increase does not come close to the level necessary to provide current services. Put simply, this would translate into a drastic cutback in services provided by VA and substantially fewer veterans being treated. We owe a considerable debt to our Nation's veterans and, in my view, the medical care funding in this measure reflects an abandonment of the Federal Government's commitment to them.

I also am concerned with the appropriation in the conference report for the general operating expenses [GOE] account which funds the administration of all VA benefits other than medical care, such as compensation, pension, and educational assistance. The funding level for GOE in this measure represents a reduction of more than $42 million from fiscal year 1995. This decrease in funding will seriously impair VA's ability to make progress in reducing the current backlog of pending claims and, in fact, may result in a reversal of the progress the VA has made already in this important area.

Finally, I note the discontinuation of the U.S. Court of Veterans Appeals pro bono representation program. For the past several years, this program has fulfilled a critical need, providing representation for hundreds of veterans who have appealed the denial of their benefit claims to the Court of Veterans Appeals, and who otherwise would have been without counsel. The elimination of this program would be a severe loss, leaving low-income veterans, the majority of all veterans who file appeals, to handle their cases without legal assistance.

Mr. President, it is clear that the conference report before us fails to provide adequate funding for many programs critical to the future of our Nation and the health and well-being of its citizenry. I would urge my colleagues to join me in opposition to this legislation.

Mr. LAUTENBERG. Mr. President, I rise in opposition to the conference report accompanying the VA, HUD, and independent agencies appropriations bill. This legislation would cut funding at the Department of Housing and Urban Development by more than one-fifth, and is yet another clear reflection of the misguided priorities that have driven the budget process this year.

Mr. President, HUD today provides housing assistance to over 4 million households, including working families, seniors, and people with disabilities. Yet this only makes a dent in the housing needs of lower income Americans. Millions of our citizens are living in substandard conditions or are paying more than half of their incomes for housing. Countless others are homeless entirely.

Unfortunately, this conference report not only fails to meet these pressing needs, but it is a step backward. And its proposed cuts will have a real impact on needy Americans throughout our Nation.

This legislation virtually eliminates funding for incremental housing assistance, and slashes funding for homeless programs by a quarter. As a result, hundreds of thousands of families will continue to languish on public housing waiting lists. Many will be forced to live in substandard housing or on the streets. Meanwhile, Congress is about to pull the safety net out from under them, with cuts in nutrition, health care, education and other critical programs.

The cuts in this legislation also will lead to the continued deterioration of our Nation's public housing stock, by cutting the modernization budget by one-third. Mr. President, this stock represents a $90 billion investment by our taxpayers. To allow it to deteriorate further is short-sighted. It also will mean that tens-of-thousands of our citizens will continue to live in substandard housing, as major repairs and renovations are canceled due to lack of funds.

The conference report also includes a nearly 50-percent cut in funding for severely distressed public housing. This will inhibit efforts to revitalize our Nation's most troubled and most dangerous public housing developments.

If there is one bright spot in the conference report, Mr. President, it is the inclusion of $290 million for the Public and Assisted Housing Drug Elimination Program, which I developed several years ago. This program has had great success in reducing crime in housing developments around the Nation. And I am encouraged that we are maintaining our commitment to this initiative in this legislation.

Still, Mr. President, the cuts in housing proposed in this legislation are deeply troubling. Not only because of their impact on ordinary Americans. But because they are being proposed as part of a Republican budget with seriously misplaced priorities.

Mr. President, the new majority in the Congress is committed to providing huge tax breaks for millionaires, $7 billion for the Pentagon that the generals don't even want, large subsidies for western ranchers and mining companies, and various other special interest giveaways. Meanwhile, they are slashing programs that provide assistance to the most vulnerable Americans, especially those in our cities.

In my view, Mr. President, this reverse Robin Hood approach is inconsistent with true American values. I am sympathetic to calls for a balanced budget, Mr. President. But the pain must be shared, not targeted at our cities and the poor.

Mr. President, the median income of households receiving Federal housing assistance is $8,000. This happens to be about the same amount that the Republicans want to provide in tax breaks to those with incomes over $350,000. What does this say about our priorities, Mr. President?

In the 1960's, our Government declared war on poverty. In 1995, it seems that our Government has declared war on poor people.

Mr. President, the millions of Americans with severe housing needs deserve better. And it is not enough to say that we don't have the money. If we have the money to provide huge tax breaks for millionaires, if we have the money to provide $7 billion to the Pentagon that our military does not even want, if we have the money to subsidize large mining and agricultural corporations, how can we say that we lack the money to ensure that ordinary Americans have a decent place to live?

So, Mr President, I cannot support this bill and will vote against it. I call on President Clinton to veto the legislation, and continue to stand firm until Congress agrees to provide adequate funding for housing programs.

Mr. KERRY. Mr. President, I want to express my admiration to a number of Senators who have struggled valiantly to produce a bill acceptable to the great majority of Senators and to the administration, that appropriates funds for the vital services provided to American citizens by the Veterans Affairs Department, the Department of Housing and Urban Development, the Environmental Protection Agency, and other agencies.

The challenge this posed, in a time when it seems too many in both parties have as their objective scoring political points off the other party rather than reaching reasonable middle ground on contentious issues, proved unfortunately to be an insurmountable challenge at least to this point. And despite the great and perhaps even herculean effort invested in this bill by the chairman of the subcommittee, the distinguished Senator from Missouri [Mr. BOND], and the ranking member, the distinguished Senator from Maryland [Ms. MIKULSKI], I regret very much I have concluded I have no choice but to oppose the bill, and urge the President to veto it, assuming as I do that it will reach his desk for his action. Its shortcomings are numerous, and they are not minor.

With regard to the budget for the environmental Protection Agency, the severe cuts of 22 percent from the President's request threaten public health and the environment. Of particular concern are the significant cuts to the enforcement budget, the Superfund Program and the State revolving funds that finance clean water and safe drinking water remedial action.

The conference agreement cuts the EPA's enforcement program by 25 percent—in effect allowing more polluters the freedom to continue to pollute our land and water without challenge. The bill also slashes the Superfund budget by 25 percent, which would slow existing cleanups and prevent new cleanup starts. That means that at least four cities in Massachusetts will have to live with continued exposure of thousands of their citizens to dangerous chemicals.

The agreement also reduces by $762 million from the President's budget the funding provided for water infrastructure improvements to States and needy cities across the country. For the past several years—under both the Bush and Clinton administrations—Congress has appropriated at least $100 million for Boston Harbor cleanup alone. However, this bill provides just a fraction of that amount—$25 million, thus neglecting to recognize the dire straits of communities such as those of the Greater Boston area which are grappling with the enormous water rate increases which result from Federal mandates.

In addition to inadequate funding levels for vital EPA efforts to ensure that public's health and safety, also of grave concern to me are legislative riders that eviscerate existing environmental safeguards, without the benefit of congressional hearings or any input from the general public. We as a nation have struggled valiantly over the past quarter century to identify and eliminate threats to our environment which directly or indirectly threaten our health, safety or well-being, and to begin to clean up the existing mess. I will not willingly participate in the thoughtless and hurried abandonment of these efforts.

Mr. President, I am also voting against this bill because it includes excessive cuts in our Federal housing programs. I am concerned that cutbacks of the magnitude visited on the Department of Housing and Urban Development in this bill and some of the changes it makes in housing policy represent a retreat from our Nation's goal to provide all Americans with decent, safe, and affordable housing, and undercut efforts we have been making to reform the agency and its programs.

The conference agreement contains significant cuts in HUD's overall budget and particularly deep cuts in public housing programs, incremental assistance, and homeless assistance. Yet, HUD's purpose has not gone away, and this bill provides no roadmap to meeting the pressing needs in our Nation that agency was established to meet. The unmet housing needs of our people are significant. Hundreds of thousands of Americans are homeless every night. Millions of Americans are still living in substandard housing or paying a painfully heavy portion of their income for rent. Too many young families find the barriers to homeownership insurmountable. The goal of a decent, safe, and affordable home for all Americans is still a valid goal for this country. The needs of our cities—large and small—are national in scope. The distressed neighborhoods around the country—like those in Lowell, Lawrence, Fall River, Springfield, Boston, and other Massachusetts cities and towns—rely on Federal community development assistance to battle the declines that face all of our older urban areas.

We also need to be concerned that the cuts in the bill will have serious consequences by making it much more difficult to resolve some of HUD's management problems. The bill, in fact, may exacerbate rather than ameliorate these problems by reducing funding levels for programs that maintain and operate public housing or prevent defaults on HUD-insured multifamily properties. Fixing some of HUD's programs, quite frankly, will require us to invest more resources, not less—because the the small percentage of public housing authorities that are troubled will require strong intervention by the Federal Government. It will require large sums to rebuild the management capacity of these authorities, tear down and replace the aging stock, and address the housing needs of those who currently live in the buildings. The severely distressed housing program—HOPE VI—is providing funding for innovative approaches to remedying distressed public housing around the country—including efforts to revitalize Mission Main and Orchard Park developments in Boston. The conference agreement, unfortunately, cuts this program just as we are showing signs of making progress.

I am also concerned that the bill before us establishes a policy that, beginning in 1997, we will only renew expiring section 8 contracts at fair market rents. At the same time, the bill codifies a cut in fair market rents from the 45th to the 40th percentile. Without question, Mr. President, we need to enact changes in the section 8 program that reduce rents where they are excessive and address the burgeoning long-term costs of the section 8 program. We must be careful, however, that a blanket approach does not undermine the viability of existing affordable housing projects. We are responsible for what happens to both the public and assisted housing inventory: the Federal Government walking away from its long-standing involvement in these buildings will have negative consequences for the residents, for the buildings, and for the neighborhoods that surround them.

Mr. President, I know the appropriators struggled with a wholly insufficient allocation from the 1996 Congressional budget. Their mission arguably was impossible from the outset. In my judgment, it is simply imperative that the overall budget negotiations provide a higher allocation to the VA/HUD subcommittee. Nonetheless, I do want to acknowledge the chairman's, ranking member's, and subcommittee's actions to help several key programs—and there are some example of their efforts that deserve mention. The subcommittee was able to find $20 million for the Youthbuild Program, though I am extremely disappointed that this level represents a significant cut, realitive to last year, in the resources for this valuable and successful program. I am pleased that the conference agreement preserves the funding levels for the HOME and CDBG Programs at 1995 levels. And finally, the agreement provides $624 million for the preservation of low-income housing; continuing this program is very important if we are to prevent the loss of affordable housing and the displacement of thousands of families across Massachusetts and the entire Nation.

There are other deficiencies—serious deficiencies—in this bill—for example, in provisions pertaining to veterans programs and services, about which others have eloquently remarked in this debate, remarks I will not take the Senate's time to replicate. The sum is a bill that is fatally flawed.

Mr. President, it disturbs me that this has occurred on yet another bill. It disturbs me greatly that, less than 3 weeks before the end of the calendar year, and nearly 3 months after the beginning of the current fiscal year, the Republican leadership of this Congress still is engaged in the political game of sending the President a bill he already has announced emphatically he must and will veto on the basis of deeply-held, principled conviction—before there have been any definitive negotiations to reach real middle ground. The American people don't understand what is going on, here, Mr. President, and with good reason. It defies rational explanation.

But, at the insistence of the intemperate Speaker of the House, the President and the Congress will be required to play out this charade. I thank the President for his courage and steadfastness to vital principles which will be the foundation for the veto he will cast. I remain very hopeful that all parties to the budget negotiations will engage in them diligently and in good faith, that one of the outcomes will be to provide a more realistic allocation of discretionary funding to this bill, and that in the near future we will be debating in this chamber a reasonable bill behind which Senators of good will from both parties can unite and which we can send to the President for his signature.

Mrs. BOXER. Mr. President, there are many aspects of this appropriations bill which I find deeply troubling. I am thankful we have a President who has

clearly said that he will veto this bill if presented to him in its current form.

I would like to take this opportunity to focus on two areas of the bill which are of particular concern to me—the unacceptable cuts to the Environmental Protection Agency [EPA], and the lack of funding for the VA medical center at Travis Air Force Base in Fairfield, CA.

ENVIRONMENTAL PROTECTION AGENCY

The EPA is the agency responsible for the implementation of our most fundamental environmental protection laws: The Clean Air Act, the Clean Water Act, the Safe Drinking Water Act, laws that protect us from improper hazardous waste disposal, laws that protect us from exposure to radiation and toxic substances, laws that regulate the clean-up of hazardous waste sites all over the country, laws that ensure that every citizen in this country has a right to know about what kinds of toxics are being released into their environment.

And how much does it cost us to run the EPA? In 1995 we appropriated about $6.6 billion for the EPA. Let me put this into context. The whole EPA budget is the same as the cost of about three B–2 bombers. In the 1995 budget we appropriated over 40 times this amount—$241 billion—for the Department of Defense. The fiscal year 1996 defense appropriations bill that recently passed the Senate included $7 billion more than the Department of Defense says it needs. We are throwing an extra $7 billion at the Pentagon and the same time we are taking away vital funds that protect our health and safety. It simply does not make sense.

The cuts made in this bill to the EPA budget are unacceptable. This bill appropriates $5.7 billion for EPA—that is a 14-percent cut—or nearly $1 billion from the fiscal year 1995 level. It is a 22.5-percent cut—or $1.7 billion—from the President's fiscal year 1996 request.

Republicans seem to take great pride in their efforts to dismantle key social programs that Americans hold dear, but they have chosen to take their war against the environment underground. The cuts to the EPA budget show us the covert war that is being waged by Republicans against our environment.

It has to be covert because they have seen the results of poll after poll showing that the vast majority of Americans feel that our environmental laws should be strengthened, not stripped away. In my many years in public office not once has anyone told me, ''Senator, our air is too clean,'' or ''our water is too safe.''

The back door attack on our environmental laws seen here is cuts in EPA's budget that will cripple EPA's ability to set and enforce environmental standards.

This bill cuts enforcement of all environmental programs by 22 percent—$128 million—from the President's request and 14.6 percent—$77 million—from fiscal year 1995.

It hits at the heart of EPA administration and management in EPA's ability to set and enforce environmental and public health standards with a 17-percent cut—$310 million—below the President's request, and a 7-percent cut—$115 million—from fiscal year 1995.

Mr. President, these cuts mean that an already stretched EPA will not be able to carry out critically important work that ensures the health and safety of all Americans, and will result in a setback of national efforts to ensure that every American citizen breaths clear air, drinks clean water and is safe from the dangers of hazardous waste.

These are the EPA funds that are spent working with States and municipalities in the development of our air quality, water quality, lead abatement, and food safety standards; the funds that allow EPA to keep track of the levels of pollution in our air, our water, our food, our environment; that allow the EPA to work with States and with industries to help them discover the sources of pollution problems and help them comply with Federal safety standards; that allow the EPA to give technical assistance to State pollution control agencies and county air and water quality boards; that allow the EPA to carry out environmental impact statements on industry actions that may hurt the environment; that allow EPA to work all over this country to educate industry and small business and help them comply with the law so that enforcement actions are avoided.

In the long run this will mean more water pollution, more smog in our cities and countryside, more toxic waste problems.

EPA's budget is cut in many other areas to levels that are unacceptable.

A 30 percent—$462 million—cut from the President's request and a 9 percent—$110 million—cut from fiscal year 1995 in funds that go straight to the States to help cities all over the country build sewage treatment plants that keep raw sewage from flowing into our coastal waters, rivers, lakes and streams.

A 45 percent—$225 million—cut from the President's request and a 79 percent—$1 billion—cut from the pre-rescissions fiscal year 1995 level in funds that go to States to protect our drinking water nationwide.

A 25 percent—$400 million—cut from the President's request and 13 percent—$168 million—cut from fiscal year 1995 in funds that go toward cleaning up hazardous waste sites.

But, Mr. President, I would like to close my statement with a comment about the presence of riders in this conference report—in the face of the House vote to instruct conferees to omit riders that would limit EPA enforcement of existing environmental protections.

This conference report includes a rider that strips away EPA's veto authority over U.S. Corps of Engineers wetlands permits decisions. Although the EPA has only vetoed 11 permit requests since 1972, the power of EPA's veto has played a very important and constructive role in the reaching of compromises on innumerable proposed development plans to fill wetlands. I believe that EPA's vet power is absolutely essential in maintaining a balanced approach to making environmental permit decisions. Without this veto authority, we are opening the door to very serious potential losses of wetlands.

We have lost approximately 53 percent of our historic wetlands in the continental United States—and in my State of California, the loss is over 90 percent. We continue to lose wetlands at the alarming rate of about 300,000 acres per year, and there still seems to be a general lack of appreciation for the vital role that wetlands play in protecting our people's health, sustaining our Nation's natural systems and supporting America's economy.

Wetlands preservation is often seen as incompatible with economic growth. I believe that not only does wetlands conservation make good environmental sense, it makes good economic sense. The value of wetlands in flood control, groundwater storage, water purification and commercial and recreational uses has been estimated to be $1.4 trillion annually.

An economic analysis of the value of wetlands was prepared in 1993 under the direction of the School of Public Policy at the University of California at Berkeley. Using my State of California as an example, the study showed that the total annual benefit of wetlands to the State ranges from a low of $6 billion to almost $23 billion. Those are the amounts the State would lose annually if 100 percent of our wetlands were lost to filling and development.

Mr. President, in 1994, over 48,000 Americans sought approval to fill wetlands. The number of permit requests has increased by 27 percent since 1990. If this rider goes into law, every request will be submitted with the knowledge that the EPA has no veto authority. Old projects will be dusted off and resubmitted—we will lose wetlands that our Nation cannot afford to lose—we will lose wetlands that our Nation cannot afford to lose.

TRAVIS VA MEDICAL CENTER

I am deeply disappointed that the bill does not including funding to complete construction on the proposed VA hospital at Travis Air Force Base, in Fairfield, CA.

In 1991, a severe earthquake damaged northern California's only VA hospital in Martinez. That facility served over 400,000 veterans, and its closure forced many to drive up to 8 hours to receive medical care. The Bush administration recognized the tremendous need created by the Martinez closure and promised the community that a replacement facility would be constructed in Fairfield, at Travis Air Force Base. The conferees' action breaks that 4-year-old promise to the veterans of northern California.

Last year, Congress appropriated $7 million to complete design and begin

construction on the Tavis-VA medical center. Nearly $20 million has been spent on the project to date, and more than a year ago, Vice President GORE broke ground. Construction is now underway.

For fiscal year 1996, President Clinton requested the funds needed to complete construction, $188 million. Congress' refusal to fund the project seriously jeopardizes the prospect that the hospital will ever be built. The outpatient clinic proposed as an alternative by the conferees is entirely unacceptable to the veterans of northern California.

The decision not to fund the Travis-VA medical center breaks faith with California's veterans, and violates promises made by the past two Presidential administrations.

For the reasons I have stated above and many others, I have no choice but to oppose this conference report, and I will urge the President to veto this bill.

Mr. JEFFORDS. Mr. President, I am voting for this legislation with a number of reservations. This bill provides funding for important programs at the Department of Veterans Affairs [VA], Department of Housing and Urban Development [HUD] and the Environmental Protection Agency [EPA]. I supported this legislation when it passed the Senate in September, with the understanding that Senate negotiators would maintain funding for our Nation's veterans, maintain adequate levels for housing, protect funding for the EPA and oppose the 17 anti-environment legislative riders included in the House version of this bill.

After the most recent conference on this legislation between the Senate and House, it is my belief that the bill has emerged better than both the original House and Senate passed versions. Funding for veterans' health is now higher than last year's levels. EPA spending levels, originally slated for a 33 percent cut in the House bill, have been increased, resulting in only a 14 percent reduction. A number of other important programs and agencies received a similar reduction this year. Finally, almost all of the environmental legislative riders I found most objectionable have been dropped.

Mr. President, I believe the managers hands were tied in this situation. The allocation for this entire account was reduced to such an extent that they were forced to make some difficult choices. The overall allocation was reduced by close to 10 percent from fiscal year 1995. The fact that EPA received a 14 percent cut is very unfortunate but understandable considering the overall reduction for this bill. I hope that the ongoing budget negotiations will yield more funding for environmental protection.

I agree that Congress must reduce Federal spending in order to gain control of our growing budget deficit. We must reorder our spending priorities and makes every effort to cut wasteful expenditures throughout the Federal budget. Although savings can be found in the Department of Energy, Department of Interior and EPA budgets, I will strongly oppose a complete gutting of the funding for important environmental programs.

Finally, included in this legislation is an amendment which will remove EPA from the process of protecting many of our Nation's wetlands and rivers under section 404 of the Clean Water Act. Last year, under this section of the Clean Water Act, EPA assisted the State of Vermont in protecting one of our State's most valuable river ecosystems. I remain hopeful that during future consideration of funding for EPA we not further weaken EPA's ability to protect our Nation's rivers and wetlands.

Mr. President, I am voting for this legislation in order to move the process forward. In the event that the legislation is vetoed by the President, I would hope my colleagues would seriously consider some the few concerns I have raised here.

Mr. SIMPSON. Mr. President, this appropriation is a very good one for veterans. It fully funds veterans' benefits payments. And, unlike many of the non-veteran programs funded by this bill, veterans' health care funding would actually increase.

Mr. President, there is one provision in this conference report which affects a small sum of dollars, but which is important to VA and to America's veterans. Funding for staffing and travel in the office of the Secretary has been reduced.

Mr. President. I support that reduction.

The Secretary of Veterans Affairs has left no tub unpounded, no stump without a speech, in a campaign of propaganda misrepresenting the actions of this Congress. I tire of that.

He has continued to talk about budget ''cuts.'' Even when he knows so well that the budget is actually being increased.

He continues to talk about declines in VA health care services even after personally sitting through a hearing where the increases were quantified and illustrated by charts.

He took a discredited advocacy ''study'' from a liberal lobby group and tried to give it the stature of a ''government'' report. That action was an attempt to ''use''—yes that is the term—veterans as the point men in a political campaign to defeat reforms needed to preserve the Medicare and Medicaid programs.

In short, Secretary Brown has confused the responsibilities of a Cabinet Secretary with the role of a political lobbyist.

He has assumed the zealous mission of a political advocate without remembering the requirement to led and administer his Department.

And, as an article in today's Washington Post makes clear, he is wholly unrepentant in his course.

Yes, the conference report will restrict his political activities. But, and hear this, and hear clearly, it will not restrict his ability to lead his Department. In fact, if it causes him to stay right here in Washington and focus hard on the many heretofore unaddressed challenges facing the Department of Veterans Affairs, the reduced funding level could actually improve his stewardship over the Department.

The issue is not ''freedom of speech.'' That is pure bunkum. Those who make that argument are not really arguing that the Secretary has a right to speak. They are instead arguing that the taxpayers have an obligation to pay for whatever he wants to say. That is, or course, surely not the case.

Mr. President, this is not a perfect bill. No bill is. But the members of the subcommittee have done a very good job in protecting funding for veterans' programs.

I think it would be tragic if the President were to use funding levels for nonveteran programs as an excuse to veto a bill that increases veterans' medical spending and fully funds their benefits.

I am sure that my friend from Missouri will confirm that it will be very hard to craft a bill as favorable to veterans as this one and which also increases funding for other programs.

I commend Senators BOND and MIKULSKI. They work well together as managers of the bill. I thank them for their yeoman work and I do hope the Senate will join me in support of the bill.

Mr. CHAFEE. Mr. President, I would like to make a few remarks about H.R. 2099, the VA—HUD appropriations conference report. I want to commend the distinguished ranking member and the distinguished manager of the bill for their efforts in reaching an agreement on this measure.

The conferees had to make some tough choices, and I am pleased that they listened to the American people and decided to drop the controversial environmental riders in the House-passed bill. I am also delighted that the conference report provides the Environmental Protection Agency [EPA] with a higher level of funding than either the House or Senate bills.

Although the conferees eliminated most of the objectionable legislative riders, I am still troubled by two key provisions in the conference report. First of all, the conferees have decided to maintain the rider in the Senate bill that bars EPA from using any fiscal year 1996 funds to implement section 404(c) of the Clean Water Act.

Since its enactment in 1972, section 404 of the Clean Water Act has played an integral role in the progress we have made toward achieving the act's central objective, which is ''to restore and maintain the chemical, physical, and biological integrity of the Nation's waters.'' Section 404(c) authorizes EPA to prohibit a disposal of dredged or fill

material into U.S. waters, including wetlands, if such a disposal would have an unacceptable adverse effect on certain especially important resources.

The rider in the conference report would preclude EPA from ensuring against unacceptable adverse effects on these valuable resources for a full year. An article written by John Cushman in Tuesday's edition of the New York Times is especially instructive: It points out the many of the unknown adverse consequences this rider could have for our most valuable wetlands resources.

Mr. President, I ask unanimous consent that the article printed in the December 12, 1995, New York Times be printed in the RECORD.

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

[From the New York Times, Dec. 12, 1995]

BRIEF CLAUSE IN BILL WOULD CURB U.S. POWER TO PROTECT WETLANDS

(By John H. Cushman, Jr.)

WASHINGTON, Dec. 11.—Buried deep in a spending bill now before Congress are two sentences that could give clear sailing to a highway project in New Hampshire, harbor dredging in South Carolina, a mine in Montana and many other projects around the country that have been threatened by the Government's environmental objections.

The terse provision would take away one of the Environmental Protection Agency's major tools for protecting the country's wetlands: the veto that the agency is allowed to cast against permits that the Army Corps of Engineers issues to developers for wetlands projects.

The change is set forth in one obscure passage in a vast $80 billion appropriations bill paying for veterans, housing, environmental and other programs in the current fiscal year. The bill passed the House on Thursday and is expected to come to the Senate floor shortly. President Clinton, objecting to many of its provisions, has said he will veto it.

Although it is hard to predict whether the wetlands clause will become law, the prospect worries conservationists, who call the continuing loss of wetlands a threat to water quality and wildlife. The provision would prohibit the E.P.A. from spending anything in the current fiscal year to exercise its power under the Clean Water Act to review and veto wetlands permits. Any vetoes that are pending would be nullified, giving the Corps of Engineers the final say.

The bill's 73 words on wetlands have rated only the briefest mention during a raging Congressional debate over Federal environmental priorities. But the effect of the provision could be felt nationwide.

Most immediately, the change may resurrect plans for a $200 million highway sweeping around Nashua, N.H. Last August, the state reluctantly agreed to scale back the project when threatened with a veto by the E.P.A. The reduced plans spare more than 40 acres of wetlands and other undeveloped wildlife habitat near the Merrimack River. James Rivers, a spokesman for Gov. Stephen Merrill, said that although the state plans to proceed with the scaled-back project for now, it would consider expanding it in the future if the Federal law is changed.

In Charleston, S.C., E.P.A. officials have warned the corps against dredging shipping channels near a paper plant because of possible dioxin contamination. But if the new law is passed, the E.P.A. would lose its legal leverage to persuade the corps to adopt an alternative for clearing shipping channels.

Similarly, the corps alone would rule on wetlands permits for the New World Mine in Montana, a disputed project that conservationist say would endanger the ecosystem in and around Yellowstone National Park, just two and a half miles away.

The wetlands review process has its roots in the 1970's, when lawmakers believed the corps, whose approval is needed for any construction that can affect navigable waters, was more interested in protecting navigation than the environment. But today it is the E.P.A. that is out of favor on Capitol Hill, where preserving wetlands is among the most unpopular of causes.

Although the E.P.A. has vetoed wetlands permits only 11 times, both sides in the dispute agree that the agency can greatly influence the scale of development projects by merely threatening a veto. Environmental groups cited case after case in which projects were scaled back to meet the agency's demands. Many of those projects were shelved indefinitely, raising the possibility that some might be revived if the legislation is enacted.

Carol M. Browner, the Administrator of the E.P.A., said her agency, not the corps, has both the expertise and the statutory authority to protect wetlands, which play a crucial role in minimizing floods, filtering water and providing wildlife habitat.

''The E.P.A. is the body that Congress has given the authority to deal with clean water issues,'' she said. ''The role we play is associated with the broader role of protecting the water quality of the people of this country.''

Despite the importance of this legislation, there has scarcely been any testimony or comment on the House or Senate floor about how it would affect specific construction projects or wetlands.

Even the provision's author, Senator Christopher S. Bond, a Missouri Republican, said in an interview that he had ''no idea'' what projects might be affected.

He said his objective was not to affect one project or another, but to make the Government more efficient by consolidating power over wetlands permits in a single agency.

''If there is one thing that constituents in my state are fed up with, it is being told two different things by two different Federal agencies,'' Senator Bond said on the Senate floor in September. ''They expect the Federal agencies who serve them to give them one answer and to give them the right answer.''

Administration officials and environmental groups say the E.P.A'S authority is essential to the protection of wetlands, especially since many projects affecting those areas are carried out by the corps itself.

''The Army Corps of Engineers authorizes itself to discharge millions of cubic yards of dredge or fill material into the waters of the United States each year,'' said John Flicker, president of the National Audubon Society, in a letter urging President Clinton not to sign the bill. ''Absent E.P.A.'s involvement in the review of the corps' water development projects, the corps would be in the untenable position of exercising sole regulatory review of its own development projects.''

Senator Bond and his staff respond that their proposal leaves much of the E.P.A.'s authority intact. The agency would continue to write the environmental guidelines for the corps.

But the E.P.A's questions about the dredging of navigation channels proposed by the corps around Georgetown Harbor near Charleston, one of the biggest commercial ports on the East Coast, show why the E.P.A. is fighting to keep its authority. The corps would extensively dredge sediments from the harbor bottom, including near the private berth of the International Paper Company, and then dump that refuse on shore and in nearby shallows.

Local E.P.A. officials, according to an agency document, are concerned that the project carries environmental risks. They fear that the sediment at the paper plant could be contaminated with dioxin, a toxin that could be spread in the Sampit River and the Upper Winyah Bay.

Sediments at the paper company's berth have not been tested for dioxin, but several years ago the paper plant's waste water was found to have among the highest dioxin levels of more than a hundred plants surveyed, and the state detected dioxins in sediment and fish tissues in the nearby Sampit River in 1989, leading to advisories against eating locally caught fish.

The agency is urging the corps to consider less damaging alternatives and better impoundments of the dredged wastes.

There are many other cases, like the Nashua highway, where the E.P.A.'s views prevailed over those of the corps and of local officials. The E.P.A. fought that project for 10 years, but the corps and the state approved it anyway. Only after the E.P.A. regional administrator, John DeVillars, warned of a veto did New Hampshire agree to a scaled-back highway.

New Hampshire's top environmental official said in an interview this week that he was pleased with the E.P.A.'s rule in the highway project and with other wetlands reviews by the Federal agency.

''My experience with the process has been that the concerns that have been raised have been reasonable concerns, that they are asking the right questions and forcing analysis of alternatives that otherwise would not be done,'' said Robert Varnum, the state's Environment Commissioner. He was appointed twice by Republican Governors, both of whom strongly favored the highway project that the E.P.A. blocked.

''I feel that E.P.A.'s mission is to protect the environment, and in this case to avoid unnecessary impacts to our wetlands resources,'' he said. ''They take that job very seriously, and have put in a great deal of time and effort, and stuck their necks out, to protect the environment, and I think that is a role they need to play. I think the general public expects nothing else.''

Mr. CHAFEE. Mr. President, to those who say that EPA's 404(c) authority reflects a significant waste of government resources, I point to the fact that the agency has used this authority only 12 times during the past 23 years.

One of these instances occurred in Attleboro, MA. A developer's plan to build a large shopping mall at a site called Sweeden's Swamp in Attleboro would have destroyed 45 acres of wetlands. Had EPA not stepped in to prevent the permit from going forward, the area would have lost a rich habitat for many birds, mammals, and amphibians. Mr. President, we simply cannot afford to relinquish the protection of critical natural resources afforded by 404(c).

I am also deeply concerned with the conferees' decision to provide only $12 million for the Montreal Protocol Facilitation Fund—a full 50 percent less than both the administration's request and the House approved figure of $24 million.

The Montreal Protocol, approved in 1987 during the Reagan administration,

addresses the damaging effect of chlorofluorocarbons—of CFC's—on the ozone layer. A statement made by President Reagan on April 5, 1988, demonstrates the significance of the program:

> The Montreal Protocol is a model of cooperation. It is a product of the recognition and international consensus that ozone depletion is a global problem, both in terms of its causes and effects. The protocol is the result of an extraordinary process of scientific study, negotiations among representatives of the business and environmental communities, and international diplomacy. It is a monumental achievement.

The treaty, now ratified by 150 nations, represents a consensus on the dangers of ozone depletion and provides for the eventual ban of CFC production. We later agreed to amendments to strengthen the ban in 1990, as part of the Clean Air Act, and again, in 1992, under the terms of the Montreal Protocol.

Throughout this effort there were those who called the ozone hole and the destruction of the ozone by CFC's a myth. However, several weeks ago, our actions were vindicated beyond question when the three scientists who first alerted us to the possibility that CFC's were destroying the ozone layer were awarded the Nobel Prize for chemistry.

During the debate on the VA-HUD appropriations bill, I sponsored an amendment, along with Senator JEFFORDS and Senator BINGAMAN, that would have given the Administrator the discretion to spend more than the $12 million now available under the conference report for the Montreal Protocol Fund. Although the amendment was approved by the Senate, it was not retained in conference. I must say I am disappointed. If our goal here is to encourage EPA to be mindful of good science, risk assessment, and management of scarce resources, then I cannot think of a more necessary endeavor than their efforts to reverse the destruction of the stratospheric ozone layer.

Mr. WELLSTONE. Mr. President, I want to speak in opposition to the VA/HUD appropriations conference report. There are many reasons why I believe that the report we have before us represents unhealthy priorities for the American public, and I am pleased that the President has expressed his intention to veto this bill should it pass the Senate.

First, this report provides $400 million less than the President's budget request for the VA medical care account. This will have a serious impact on veterans' access to quality health care. While there may be some doubt as to the validity of VA projections of the precise impact of such a cut on veterans health care, there is no question that it would result in some combination of substantial reductions in the number of veterans treated both as outpatients and inpatients as the number of VA health care personnel shrink. The impact, according to the VA, would be equivalent to closing three VA medical centers with an average of 300 beds each.

When these cuts are coupled with slashes in Medicare and Medicaid, many veterans could be faced with a triple whammy—forced out of Medicare and Medicaid while VA is unable to handle a large influx of new patients as the VA health care budget shrinks in real dollars. This will particularly have an impact on the soaring population of veterans over age 65 and veterans unable to afford private health insurance.

In the process of cutting funding for major medical construction projects, vital projects for renovating VA hospitals that do not meet community standards and are deteriorating are scrapped. How can we treat veterans who made sacrifices defending this country in facilities that do not meet fire and other safety standards? What a travesty this is. At a time when we are honoring the 50th anniversary of the end of World War II and the veterans who risked their lives defending our freedom, the least we can do is to ensure that they receive the health care they are entitled to in a safe and dignified setting.

This report also eliminates funding for the Corporation for National Service [CNS], which was established by the bipartisan National Community Service and Trust Act of 1993. The Corporation for National Service administers such programs as AmeriCorps, the National Civilian Community Corps, and even former President Bush's Points of Light Foundation. President Clinton has requested $817,476 million for CNS for fiscal year 1996. However, the report we have before us gives the National Corporation $15 million for necessary expenses to terminate programs, activities, and initiatives under the National Community Service Act.

In order to understand the severity of this action, I would like to use the AmeriCorps program as an example. AmeriCorps, which is funded and run by CNS, helps students pay for college in exchange for their service to American communities. AmeriCorps is a program which needs to be preserved. National Service addresses beliefs we all share: getting things done, strengthening communities, encouraging personal responsibility, and expanding opportunity. Despite the ideals realized by AmeriCorps, both the House and Senate individually denied funds to the program in their VA/HUD appropriations bills, and now the conference report kills the program outright. Fiscal year 1995 post/rescission funding was $219,000 million for AmeriCorps grants. The President requested $429,800 million for fiscal year 1996.

AmeriCorps has been a huge success. Members of law enforcement from police chiefs Willie Williams of Los Angeles to Carol Mehrling of Montgomery County, MD, (and many departments in between, have been unwavering in their support for the AmeriCorps Program. And this is a program which Republicans and Democrats alike support. Members of Congress, Governors, mayors, and businesses such as IBM, General Electric and American Express know the value of AmeriCorps, and of the Corporation for National Service.

AmeriCorps has exceeded expectations about its efficiency. One study, validated by the GAO, found AmeriCorps produced $1.60 to $2.60 in benefits for every invested Federal dollar. And the AmeriCorps is not solely dependent on Federal dollars. During AmeriCorps first year it was directed by Congress to raise $32 million. It actually raise three times that amount—$91 million, 41 million of which came from the private sector. We should not be misled by its success, however. AmeriCorps cannot raise private and foundation funds without Federal seed support.

AmeriCorps provides a large bang for education dollars while simultaneously getting results for real needs, strengthening communities, and encouraging responsibility. Education. Public Safety. Human Needs. The Environment. AmeriCorps is a program designed to do what we in Congress talk about all the time: bringing people from all backgrounds together to solve problems at the local level.

In Minnesota, AmeriCorps members are extremely valuable. AmeriCorps members serving within the Minneapolis Public School provide activities to support the education of special needs youth. Members tutor, provide after school education activities, and recruit volunteers for support programming. Members work to secure affordable housing for low-income families, assist domestic violence victims, and coordinate projects to prevent and lessen homeless. Minnesota has AmeriCorps members doing more different things than I have time to list here. Older Minnesotans work as foster grandparents, serving over 80,000 children statewide. Rural members teach pesticide safety. People work to restore our parks and trying to provide places for our children to play. Of course, Minnesota is not alone in its utilization of AmeriCorps volunteers. All of my colleagues come from States which benefit from them. All of us should continue to support their efforts, not tear them down.

I am also opposed to this conference report because of the devastating blow it delivers to funding for the Environmental Protection Agency.

This conference report cuts EPA by 14 percent overall from what we appropriated last year. The conference report continues to contain a number of riders that aid special interests at the expense of the health and safety of the American people. These riders include one which would halt EPA efforts to expand one of our country's most successful Right-to-Know programs, the Toxic Release Inventory.

Already this fiscal year, temporary continuing resolutions have resulted in a drastic cut in EPA's funding. As a result, EPA has been forced to cancel a

number of inspections involving all sorts of environmental hazards. As Carol Browner said today in the Washington Post, ''The environmental cop is not on the beat.'' The lack of inspections will only get worse under this conference report that cuts enforcement funding by 14.6 percent.

These funding cuts will make it impossible for EPA to carry out work that helps protect the health and safety of every American. This bill will make it more difficult, if not impossible, for EPA to carry out its responsibilities under the Clean Air and Clean Water Acts. We cannot allow this to happen and I don't believe the American people want it to happen. At least, no Minnesotan has ever approached me to ask for dirtier air and water, and that is exactly what slashing EPA's budget this way will yield.

There are other reasons to oppose this conference report. While I support the President's commitment to streamline HUD's programs and I understand the importance of cutting funding for wasteful programs, I believe that the housing cuts in the VA-HUD conference report have gone too far.

Cuts to the section 8 program mean that homeless families or individuals will be without the assistance they need to move to either transitional or permanent housing.

Cuts to public housing modernization will mean that fewer housing units will receive necessary repairs and maintenance. This maintenance is essential to ensure the quality of life of public housing residents and its neighbors.

This bill also cuts funding for the Homeless Assistance Grant Program, Indian housing development, and the Housing Counseling Grant Program.

All of these housing cuts will disproportionately harm low-income persons, the elderly, native Americans, and persons with AIDS. This funding is a safety net and cuts in housing programs will mean only one thing—more people will be living on the streets. I think we are making a mistake if we pass this package.

Given all these reasons—the irresponsible cuts to veterans programs, the decimation of the Corporation for National Service, the damage done to environmental programs, and the attack on housing programs for the working poor, I will oppose the VA-HUD Conference Report, and I urge my colleagues to do the same.

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS FUND

Mr. LEAHY. Mr. President, I rise today to express my deep disappointment that funding for the Community Development Financial Institutions [CDFI] fund has been eliminated in the VA–HUD appropriations bill for fiscal year 1996.

The CDFI fund is an economic development initiative that was adopted with overwhelming bipartisan support several years ago. The program is a key priority for President Clinton, and an important investment tool for economically distressed communities. Unfortunately, partisan gamesmanship and shortsighted budget cutting will deny organizations around the country the opportunity to use this tool to better their own communities.

In a time of dwindling Federal resources, programs like CDFI that leverage private investment and stretch every Federal dollar, are more important than ever. The Fund is a small but very innovative program. For a modest $50 million budget, the fund could make a significant impact in communities struggling with unemployment and structural decline.

Investments from the fund would create new jobs, promote small business, restore neighborhoods, and generate tax revenues in towns desperate for community development. It is estimated that every $1 of fund resources would leverage $10 in non-Federal resources.

Equally important, is the fact that these dollars are controlled at the local level by financial institutions in the community which understand area needs and resources. Local control stimulates local investment as well. Area banks and local private donors are more willing to contribute to economic development when they can see the results in their own communities.

The CDFI fund has caught the interest of many community development organizations across the Nation. Already, over 1,500 groups have requested information about the fund, and informational seminars that have been held or are planned are expected to attract over 600 potential applicants. This bill leaves those organizations out in the cold.

Slashing investment in jobs and infrastructure is no way to balance the budget. I urge my colleagues to join me in voting against this bill.

Mr. DOMENICI. Mr. President, I rise in strong support of the conference agreement on H.R. 2099, the VA–HUD appropriations bill for 1996.

This bill provides new budget authority of $80.4 billion and new outlays of $46.2 billion to finance operations of the Departments of Veterans Affairs and Housing and Urban Development, the Environmental Protection Agency, NASA, and other independent agencies.

I congratulate the chairman and ranking member for producing a bill that is within the subcommittee's 602(b) allocation. When outlays from prior-year BA and other adjustments are taken into account, the bill totals $80.4 billion in BA and $92.1 billion in outlays. The total bill is under the Senate subcommittee's 602(b) nondefense allocation by $420 million for budget authority and by $7 million for outlays. The subcommittee is also at its defense allocation for BA and is under its outlay allocation by less than $500,000.

Mr. President, I ask unanimous consent to have printed in the RECORD a table displaying the Budget Committee scoring of the conference agreement on H.R. 2099.

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

VA–HUD SUBCOMMITTEE SPENDING TOTALS—CONFERENCE REPORT

[Fiscal year 1996, in millions of dollars]

	Budget authority	Outlays
Defense discretionary:		
Outlays from prior-year BA and other actions completed		78
H.R. 2099, Conference report	153	92
Scorekeeping adjustment		
Subtotal defense discretionary	153	170
Nondefense discretionary:		
Outlays from prior-year BA and other actions completed		45,550
H.R. 2099, conference report	61,113	28,603
Scorekeeping adjustment		
Subtotal nondefense discretionary	61,113	74,264
Mandatory:		
Outlays from prior-year BA and other actions completed		133
H.R. 2099, conference report	19,362	17,213
Adjustment to conform mandatory programs with Budget:		
Resolution assumptions	−224	341
Subtotal mandatory	19,138	17,688
Adjusted bill total	80,404	92,121
Senate Subcommittee 602(b) allocation:		
Subtotal defense discretionary	153	170
Nondefense discretionary	61,533	74,270
Violent crime reduction trust fund		
Mandatory	19,138	17,688
Total allocation	80,824	92,128
Adjusted bill total compared to Senate Subcommittee 602(b) allocation:		
Defense discretionary	0	−0
Nondefense discretionary	−420	−6
Violent crime reduction trust fund		
Mandatory		
Total allocation	−420	−7

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

Mr. ROCKEFELLER. Mr. President, as the ranking member of the Committee on Veterans' Affairs, I wish to comment on title I of the conference report on H.R. 2099, the fiscal year 1996 VA–HUD appropriation bill.

Mr. President, I realize that this has been a very difficult year for funding actions. I also know that, when compared to other agencies covered by this bill, VA is treated relatively well. Having said that, I have to say that this appropriation conference report is bad news for VA which, in turn, means bad news for America's veterans, their dependents, and their survivors.

The medical care appropriation is $16.56 billion. This is better than the level passed by the Senate, but nearly $400 million below the amount proposed by the President. That amount is what VA needs to support the current level of health care services.

At the funding level in the conference report, VA will be forced to cut back on the level of services carried out in fiscal year 1995. In human terms, nearly 90,000 eligible veterans will be denied inpatient and outpatient care this year. The equivalent of three VA hospitals will have to be shut down, and 5,000 VA health care professionals will lose their jobs.

Mr. President, I ask my colleagues to focus on these repercussions. Too often we become numb when we just hear

such numbers and we lose sight of the human element in what we are doing. These are real people that will be affected—veterans who answered our country's call in her times of need, who now need real health care. They will be turned away from care or will be made to wait an inordinate period of time to receive the care they need—the care they deserve—the care they have earned.

In my State there are four VA medical centers. Each plays an important role in its community. Each furnishes vital care to veterans in the geographic region served. Funding cuts at the level contained in the conference report will lead to cuts in that service, and to a denial of service to my constituents who are veterans—some with disabilities from their service, others who managed to complete their service without injury, but who are now unable to afford health care. Such a result is wrongheaded. I deeply regret that we are about to accept and approve it.

I also find it disturbing that we are cutting VA below current services at the very time that cutbacks are being proposed in Medicare and Medicaid. There is every reason to suspect that, as individuals are pushed out of those programs by the changes being contemplated, veterans who have relied on either Medicare or Medicaid will turn to VA for needed care.

VA health care is at a crossroads, and many innovative and dynamic changes are happening within the system. It is possible—indeed likely—that some of the changes about to be enacted will yield some significant efficiencies in how VA furnishes health care in the years to come. I am deeply concerned, however, that these cuts in the funding needed by VA to furnish care in the coming fiscal year will actually undercut efforts that could allow VA to function more effectively in the future. This is the worst time to be making blind cuts in VA funding, with no appreciation of how such cuts can affect VA's future.

I have heard the suggestion that, since the number of veterans is declining, these cutbacks in VA health care are justified. While it is true that the overall veterans population is coming down—it is now just over 26 million—demand for VA care continues to increase, a phenomenon that is easy to understand when one realizes that, as the veterans population continues to age, the demand for health care services actually is on the rise. As our veterans age, we should not be allowing the promises a grateful Nation made to be undone in our headlong rush to balance the budget.

I am also deeply concerned about the cuts in the level of general operating expenses which fund the administration of the nonmedical activities of VA. While the Senate-passed level of $880 million was over $35 million below the President's request, it was significantly above the House-passed level and promised some opportunity for VA to continue to reduce the terrible backlog of claims in the Veterans Benefits Administration. Unfortunately, the level of GOE funding in the conference report, $843 million, will almost certainly mean that not only will VA fail to improve, the recent trend will be reversed and the backlog will grow.

I readily acknowledge that there are many problems that cannot be corrected by a simple infusion of funding. It is also true that VA's claims backlog is the result of far more than a simple lack of resources. However, it cannot be denied that the backlog problem can only worsen when there is insufficient funding to allow VA to meet the demand for services. The funding for GOE in the conference report is clearly insufficient, and I deeply regret that result.

I am very disappointed that the conference report includes onerous restrictions on overall funding and travel funding for the Office of the Secretary. I fear that this is little more than a petty assault on the person of the current secretary, Secretary Brown, and does not represent any reasoned policy decision. I think such an action in the context of an appropriations bill is unworthy of the Congress, and I deeply regret that conferees felt compelled to stoop to such a level.

The conference report includes funding for some construction projects which have not been authorized by the two Veterans' Affairs Committees. These include clinics at two sites—Brevard County, Florida, and Fairfield, California—where the Administration proposed to build medical centers, but the Appropriations Committees refused to fund them.

While the two medical centers were authorized, the freestanding clinics are not, and, pursuant to section 8104 of title 38, United States Code, VA cannot spend funds for these unauthorized projects. I am not clear what the intention of the conferees is on this issue, but I am confident that, without specific action by the Veterans' Affairs Committees to authorize these projects, VA will not be able to spend the funds appropriated in this bill.

I also note that, during a markup in the Veterans' Affairs Committee earlier this year, I offered an amendment which would have authorized all of the construction projects proposed in the President's budget, but my amendment was defeated.

I would be remiss if I failed to note one positive item in the conference report, namely, the absence of a provision passed by both Houses which would have limited compensation benefits to certain veterans disabled by mental illness. I fought very hard to have that provision dropped during Senate debate, and I am truly delighted that my goal was achieved in the conference.

As I noted at the outset, this is not a good bill for veterans. I am deeply concerned about its ramifications as we move forward in this fiscal year, and I intend to monitor closely the effects of the limited funding on VA's ability to meet the needs of our Nation's veterans. I will not hesitate to seek additional funding for various VA activities as the need arises in the coming year. We have tough choices to make as we seek to balance the budget. Veterans must be accorded special attention and protection in that effort.

Mr. President, in closing, I express my deepest gratitude to my esteemed colleague, Senator MIKULSKI, the ranking Democrat on the Senate VA–HUD Subcommittee, for her continued efforts with respect to veterans' programs. I truly appreciate the extraordinary spirit of cooperation between us, during the appropriations process and throughout the year. Consistently over the years, Senator MIKULSKI has shown strong, unwavering support for veterans' programs. Although she was not as successful as I know she wished to be this year, her advocacy never wavered. She is a true friend and champion of veterans.

Mr. LEAHY. I find a number of ironies this week as we consider the conference report on the appropriations bill for veterans programs.

As I speak, American troops are being deployed in Bosnia. They represent us in seeking to help secure the peace and put an end to the atrocities that have for too long plagued the people of that region. They serve to defend our national interest and to protect our liberties in a troubled part of the world.

Every Senator who came to this floor during our marathon session yesterday debating the deployment of our troops pledged support for them. That support should not end when they return out of harms' way. They deserve our continuing support and appreciation, just as the veterans of World War II, the Korean war, the Vietnam war, and those who have been deployed on our behalf in conflicts and missions around the world deserve our respect and support. The troops being deployed in Bosnia will be tomorrow's veterans.

I am also struck by the fact that we are only now proceeding with our work on the funding for veterans' programs. Although we are now in December, well past all statutory deadlines for appropriations bills, two months' past the beginning of the fiscal year, and fast approaching the expiration of our second continuing resolution, we are still without an appropriations bill for veterans' programs.

I must note that when we considered that bill initially in the Senate, Senator ROCKEFELLER offered an amendment, which I cosponsored, to restore more than $500 million that had been cut from the Veteran Administration's medical care account. The Senate rejected our effort. We tried, unsuccessfully, to protect exempt service-connected veterans benefits from further cuts to balance the budget. We wanted to preserve and protect the benefits we provide our veterans, who were there

when this Nation asked for their service.

We could not get support from enough of our Senate colleagues. If my colleagues are truly interested in our veterans, let them join us in our efforts to increase funding for veterans medical research. Let us provide the quality physicians needed in the veterans health care system. Let us fund the work that is so desperately needed in digestive diseases, prosthetics, lung cancer, diabetes and geriatrics. Last year, the President answered our call when, in response to a letter from me cosigned by 41 of my Senate colleagues, he increased his request for funds for veterans medical research to $257 million.

Join us by restoring the two new Veteran Administration hospitals that are so needed in California and Florida, but that are eliminated in this conference report. Join us by melting the ''freeze'' on veterans programs that the Republican budget would enact and that would result in the closing of 35 veterans hospitals nationwide.

We all want to be patriotic and show respect for our veterans. Let us remember the words of Abraham Lincoln that are chiseled on a plaque at the Veterans Administration building just a few blocks from the Capitol: ''To care for him who shall have borne the battle and for his widow, and his orphan.'' Let us use our votes when they really count on behalf of our veterans by restoring their benefits and protecting their medical services.

The final irony is that this is the week that we debated and voted upon a proposed constitutional amendment that would have restricted the Bill of Rights for the first time in our history. That effort failed and I detailed the reasons for my vote in a prior statement. For all those who voted in favor of the constitutional amendment on flag desecration and said that they did so in order to respond to the wishes of our veterans, I hope that they will show the respect and support that our veterans deserve by raising their voices and using their votes on behalf of our veterans by restoring their benefits and protecting their medical services.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I understand, by previous order, that I have 10 minutes available?

The PRESIDING OFFICER. The Senator is correct.

Mr. LAUTENBERG. Mr. President, I doubt I will use all the time but I do want to take some minutes to discuss the VA/HUD conference report and some of the problems that I have with this bill.

The Senator from Missouri, Senator BOND, the chairman, and the distinguished ranking member from Maryland, Senator MIKULSKI, deserve commendation for their hard work on this legislation. It is a complicated bill, this one, because it contains several programs that could be described as critical by virtue of the respect and support that these programs have. When you talk about the Veterans Administration you talk environmental protection, you talk about housing—these are very, very important programs; FEMA, the disaster relief agency, and NASA. So, there is a lot of review. There is a lot of support for each one of the programs and the advocates fight hard for the programs that strike them as being the most important.

But it just does not do the job. It is not the fault of the chairman or the ranking member. They have done their best in a very tough situation, but they just do not have enough funding to do these important tasks. They also had to contend with demands from the House of Representatives which continues to insist on deep cuts in environmental programs and housing and other high-priority programs.

In the end, with regret, I am going to strongly oppose this conference report. It would cut funding at EPA by more than 20 percent. It is an area that I have done a lot of work in. Before the last election I was chairman of the Superfund committee, working on the environment, and I worked very hard on issues of clean air and clean water and various other environmental programs. The final bill reflects what, in my view, are skewed, grossly skewed priorities.

The majority has repeatedly argued that the balanced budget in some accounts, like Medicare and Medicaid, are not actually being cut. What is being cut, they say, is the rate of increase. In the case of EPA, these are real cuts that are being proposed, real decreases, real attempts to turn back the clock on environmental protection. This legislation would slash the budget of the Environmental Protection Agency by 21 percent. One-fifth of its budget just taken away. To me, it is very simple. The effects are dirtier air, dirtier water, fewer toxic waste sites being cleaned up.

I view the quality of our environment as a critical legacy for the generations that follow us: For my children, my grandchildren. If there is one thing I can do for them that will leave them a better America it is to help clear up the environment, to permit them to breathe the air that we take for granted and not be worried about contracting some respiratory condition; or drink the water and not jeopardize their health. To be able to fish in the streams and be able to swim in the ocean without debris floating all over the place. That is the way I see our environmental requirements. So, these are deep cuts that hurt.

And I also point out this legislation is just the tip of the iceberg. The Republican long-term budget plan would have a devastating impact on environmental protection over the next several years. It would destroy EPA's ability to protect our environment and the public health. It would cripple enforcement of environmental laws. The one criticism that we hear constantly: Oh, that bureaucracy, they are all over us. They are all over business and they are all over citizens and they are all over communities.

The fact of the matter is that environmental laws have worked surprisingly well for us. In a period of roughly 20 years, from 1973–1974 until now, instead of 40 percent of our streams and tributaries being fishable and swimmable, we have gone up to 60 percent. And even in places like the Hudson River, which separates New York from New Jersey, we have begun to see some salmon coming back. We see some striped bass coming up the river. I do not know whether they are ready for eating, but they are there, and the populations are growing because the water is cleaner.

Given half a chance, nature fights back, and very vigorously. But it does not take a lot of neglect for nature to return to a decrepit condition. So, if you do not have enforcement to make sure that compliance is honest, then the laws that are on the books as we all know here are worthless.

The long-term budget plan would destroy EPA's ability to protect our environment and public health. It would severely set back the progress I just indicated we have made in recent decades, to protect and preserve our natural resources.

The bill before us cuts EPA's enforcement function so deeply that it will give polluters a holiday from complying with the law. We have seen stories in the newspapers about EPA's inability to conduct the surveys that they have to, to see whether people are complying with the rules, or with the laws. We have seen situations where Superfund programs, Superfund cleanups are going to stop dead in their tracks. Enforcement programs are targeted for a cut of 27 percent.

Mr. President, EPA is the environmental cop on the beat, and we would not cut law enforcement by a quarter, thank goodness. We would not cut FBI by a quarter, thank goodness. But this bill will cut the resources provided to stop environmental crimes by 27 percent. The question raised is how many children's health will be jeopardized as a result of those pollution laws not being enforced?

Mr. President, some Members of the other body seem to believe that EPA's enforcement office does nothing more than sue innocent landowners. But if these cuts are enacted, those Members are going to come in for a rude surprise because EPA's enforcement office performs many functions that are important—not only for environmental protection, but for the efficient operation of many businesses. Beyond investigating allegations of violations in carrying out inspections, enforcement funding is used to approve permits for companies to take particular actions and that cut in enforcement funding is

going to cause severe dislocations in the private sector as they wait and wait for permits to take up a new product or a new location.

When companies change the way they produce products, their pollution emissions often change as well. And, if so, they have to obtain a permit from EPA.

Mr. President, what is going to happen when EPA's enforcement staff is cut by 27 percent? We can easily tell what is going to happen. There are going to be major delays in issuing permits. That is going to have a negative impact on many companies' balance sheets.

Mr. President, if this kind of cut is enacted, it can almost be guaranteed that next year Senators will come to the floor and blame this problem on an inefficient EPA. But EPA is not going to be the culprit. The culprit will be the Congress and the resource that it supplied for these functions.

To get some feel for what a 27-percent cut will mean in terms of weakened environmental enforcement, consider what happened at EPA since the recently enacted continuing resolution reduced funding temporarily by a comparable amount. No new criminal investigations were started, and some of the ongoing investigations into criminal activity were delayed because the staff from EPA could not travel to these locations.

EPA stopped a major investigation into the fraudulent sale of adulterated gasoline in Texas, and will be forced to halt all mobile source inspections and investigations.

EPA canceled all inspections of laboratories designed to ensure the integrity of health effects data.

There is just no getting around the fact that cutting the enforcement budget will have serious negative impacts. It will mean more pollution. It will mean responsible companies that comply with the laws will be at a competitive disadvantage with their less honorable competitors. It will mean a less healthy environment for our children.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. LAUTENBERG. I ask the manager whether there are a couple more minutes available.

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

The PRESIDING OFFICER. The Senator controls 8 additional minutes.

Ms. MIKULSKI. I yield an additional 3 minutes.

Mr. LAUTENBERG. That is very kind. I appreciate it. I will try to wrap up quicker than that because I also want to point out that this legislation will force State and local governments to bear extra burdens. The States will lose money that they badly need to protect the environment, and to comply with Federal requirements. Grants to clean up municipal sewage and industrial waste water emissions will be over $665 million less than the President requested. The administration's request for funding of safe drinking water initiatives will be cut by $225 million.

This bill also will make devastating cuts in programs that protect our citizens from the hazards of abandoned toxic waste. It would reduce funds for hazardous waste cleanups by 20 percent.

No new Superfund project starts would be allowed. Under this bill, toxic waste sites will be fenced and forgotten.

Cleanups are complete or underway at nearly 800 sites across this country, and the rate of site remediation has increased significantly over the last 3 years. This bill will halt this progress in its tracks, threatening the health of communities and increasing long-term cleanup costs. And surely this is not what the public wants.

Mr. President, when the House of Representatives initially approved this bill, it included 18 provisions designed to reverse or gut existing environmental law. The House has voted three times on these riders, ultimately reversing itself and removing these riders. It did so in the wake of a public outcry over the hijacking of this bill by special interests intent on weakening antipollution laws.

Yet, like the genie out of the bottle, some riders live on. They are back. There are eight of them in this bill, one that attempts to limit the reach of the community right-to-know law. Another reverses the language of the Clean Water Act to remove EPA's authority to protect wetlands. This wetlands amendment was the subject of a New York Times front page story on Tuesday.

Mr. President, our country has made enormous progress since the environmental movement was ignited by Earth Day in 1970.

It is with considerable regret that I urge my colleagues to reject this conference report, and if it is sent to the President and he vetoes it, as he said he would, I hope that we can muster enough votes to sustain his veto.

I yield the floor.

Mr. BOND. Mr. President, I ask unanimous consent that the vote on the adoption of the conference report occur at 6:45 p.m.

The PRESIDING OFFICER. Is there objection?

Mr. PRYOR. Mr. President, reserving the right to object—I will not object—but if we reach the point, if I may ask this question of the distinguished manager through the Chair, where all time is not being requested, is it possible to even vote before the 6:45 period?

Mr. BOND. Mr. President, I think the setting of a time certain was necessary to accommodate Members who had other commitments. While it may not be efficient, I think it may be easier to schedule other activities than to have to go on at this time of the evening. That is why I would suggest we stay with the 6:45 time.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. BOND. Mr. President, I think the Senator from Texas has been waiting to be recognized. She has 10 minutes under her control.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Thank you, Mr. President. I do not intend to take 10 minutes. I just wanted to respond to some of the things that were said by the distinguished Senator from Arkansas who has not supported the space station, and who raised a question about the Russian participation using some of the *Mir* hardware.

I think it is very important that we look at the importance of space research and the space station, and look at the contribution that it has made to our economy.

The Senator said that out of $94 billion, $90 billion is going to be put forward by America. In fact, the costs we are talking about are the development costs. That is what we are in now. The development costs are right at $30 billion of which $9 billion is being contributed by Europe, Japan, and Canada. Our Russian partners are contributing hardware for the *Mir* that works into the space station.

It is certainly true that they are looking at other proposals which, of course, we all want to look at to see if they are going to save money, and if it is going to be in everyone's best interest to do it. I think that is what NASA is certainly going to do, and it is the right thing for them to do. But I think it is important that we look at what the space station has contributed for our country.

First, it has been cut 35 percent from its original target budget. That has saved the taxpayers of America $40 billion. They are working in an efficient way to do this space research that is so important for our future technology, and our future jobs in a way that the taxpayers can afford.

In fact, aerospace is the single strongest export sector of the United States economy. In 1993, exports topped $40 billion. When we look at exactly what the space station is going to do, there are certain things that can only be done in microgravity conditions. You cannot duplicate microgravity conditions on Earth. You must be in space.

Senator MIKULSKI and I have been working on women's health issues, and it is women's health issues that will get the greatest gain from the microgravity research. They are going to be able to look into osteoporosis, bone mass loss, which particularly attacks women. And breast cancer cells are able to be duplicated and grown in the microgravity conditions. They find that is the very best way they are able to study breast cancer cells.

So I think we are looking at tremendous contributions to women's health

care by the use of the microgravity conditions that can only be done in space and not on Earth. You cannot duplicate microgravity on Earth no matter what you do. So this is a unique capability that is very important for our future.

This is the largest cooperative science program in history. We have 13 nations now participating in this science project. I think that is the wave of the future. If we are going to go into the big science technology and research, we should have other countries able to contribute, not only because it saves our taxpayer dollars, but these are things that should be shared with other countries so that we can get the most benefit from this kind of research.

So I think it is very important, as we close this debate, to say that space research produces $2 for every $1 invested—$2 into our economy. That means 40,000 direct and indirect jobs that come from this. But most of all, Mr. President, it is a commitment to the future. It is a commitment that was made by President Kennedy because he could see that there was so much more technology and science available if we had the vehicle to go into space and collect it. In fact, he would never even have dreamed of the successes that we have had because he was willing to take that chance and put America in the forefront and leadership of technological research.

We cannot step back from that. It would not be in our best interest to do so. It would not allow us to stay at the forefront of creating jobs and creating new industries and new products that will keep our economy thriving and able to bring in people who are going to be growing into the job market.

So I am very pleased to support this project. I am pleased to support this conference report. I have worked with Senator BOND and Senator MIKULSKI to try to make sure that the space station does have what it needs to do the job that it must do. I am very impressed with the problems they had. Having VA and HUD and space, NASA research and all of the independent agencies and making the difficult choices was something to behold, and they did an excellent job.

This is probably going to be a close vote. I cannot imagine that they could have divided up a bill any more fairly than they did on this one.

So I commend them for their hard work. It was hard to get a consensus on these difficult issues. They did a terrific job, and I am pleased to support them.

Thank you, Mr. President. I yield the floor.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER (Mr. BENNETT). The Senator from Missouri.

Mr. BOND. Mr. President, I express my sincere thanks to the Senator from Texas. She has been a very articulate, very forceful spokesperson for space exploration.

Mr. President, I do not wish to prolong this debate, but I feel that it should be pointed out that the appropriation for the National Aeronautics and Space Administration [NASA] represents a $352 million reduction from the level provided in fiscal year 1995. This is an overall cut of 2.5 percent. The conference agreement, however, provides the full amount of the budget request to continue development of the space station: $2.1 billion.

Despite the overall reduction in the NASA budget, and full funding of the space station, the committee was able to restore funding for a number of important space science programs, fully fund the space shuttle program, maintain the X–33 next generation launch vehicle development, and continue the Earth Observing System Program to study global climate change.

In addition, the conference agreement removed the fence on space station obligations which assures that there will be no funding disruptions during developmental activities during the balance of this fiscal year. The space station program is on track, on budget, and on time. Fabrication of large components of actual flight equipment have been completed. Each week more equipment is being produced, and is undergoing final engineering testing in preparation for launch and deployment beginning in November 1997.

No one should be confused on this point: We can and will proceed with development, and operation of this international space station. Through careful management, intense budgetary review, and hard-nosed priority setting, we will do it without impairing other vital science missions of NASA and other Federal agencies. And we will succeed in this bold initiative, despite our commitment and efforts to bring the Federal budget into balance.

This conference agreement is a clear and unequivocal demonstration that each of these important goals can and will be accomplished. Despite all the naysayers and doubters, the international space station program is succeeding, and shows that the United States is committed to maintaining its leadership in space.

I am pleased to yield the Senator from Alaska 2 minutes.

Mr. STEVENS. Mr. President, I want to thank Chairman BOND and the ranking member of the committee, Senator MIKULSKI, for their support on this bill. I come to the floor because a member of the Alaska State Senate has told me there is a rumor in Alaska that this bill is cutting the VA very severely and is going to cause reductions in the VA offices in Alaska.

I want to reassure him and other veterans that that is not the case. The truth is, as I understand this bill, it increases VA funding, it does not cut it. This is disturbing news that the VA is contemplating a major reorganization which would eliminate pension and benefits personnel in Alaska. That would mean that our people would have to write or call or go to Reno, NV, or Phoenix, AZ, when trying to seek help on their pensions or their benefits. That is like asking the people of Maine to go down to Dallas, TX.

I think sometimes people forget the vast distances we deal with in my State. The bill does not require the elimination of VA offices in Alaska. I do hope to get more details on this plan, and I hope the Senate will join us in opposing moving functions from Alaska to what we call the lower 48 States, thousands of miles away from our veterans.

I want to congratulate my two friends, who managed this bill for, once again, including money for the rural water and sewer programs in Alaska. This is a program to eliminate the honey buckets in the villages of our State. There are 132 villages that lack modern facilities. We want to bring water and sewage facilities to them. This bill will help EPA continue to participate in that.

We have a provision in this bill that also prohibits the EPA from requiring the city of Fairbanks to use MTBE, the substance that goes into gasoline, to meet clean air targets under the Clean Air Act for the period of this bill.

It also includes $2 million to initiate a new program to clean up leaking above-ground bulk-fuel storage tanks in rural Alaska. Most of those tanks, Mr. President, cannot be buried because of the permafrost, and people in the area do need a new system. We have to devise a new plan. This bill will start that plan.

I thank my friend and again congratulate the two managers of this bill. It is a good bill, and I hope the President will sign it. I thank my friend, Senator BOND.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, in wrapping up discussions on this measure, I just have to say, for my colleagues, I will be submitting for the RECORD the information on how this bill does meet our environmental needs.

As I predicted when I spoke earlier today, there has been a lot of vocal pollution about what this bill does. The Vice President and the Administrator of the EPA had a big news conference, and they cited these outlandish figures of a 27-percent cut in enforcement of environmental programs. Mr. President, that is 20 percent off of the pie-in-the-sky budget that the President proposed when he was asking for a $300 billion deficit.

This is the biggest spending binge that the President could conceive of. And when we cut back to reach a balance, which the President now says he is willing to join us in reaching, there is no way that you can increase funding for everything as he wished. Let me make clear that the final amount in this bill for EPA is $5.7 billion, a reduction of just about 4 percent from the

fiscal year 1995 postrescission funding level, just about $235 million. The reductions which came about came from two areas: Superfund, a program mired in litigation, and bureaucracy, which must be fixed. There is money to start cleanups where human health is involved, and we directed them to do that.

Sewer treatment construction earmarks were reduced. That was the pork in last year's bill. This committee has followed the nonpartisan National Academy of Public Administration's directions to move more responsibility to the States, and 40 percent of the appropriation, $2.3 billion, goes directly to the States for grants to meet environmental mandates.

The press release and the Senator from New Jersey say that this threatens the safety of water quality because it cuts by 45 percent State loan funds. That is just simply wrong, as were most of the other statements made about this bill.

It provides $500 million for drinking water State revolving funds. Not a penny of the funds appropriated last year were spent. We stipulated that the remaining funds, $225 million from last year, in addition to the new funds, totaling $275 million go to the drinking water State revolving funds. If the fund is not authorized, the money will be used for waste water revolving funds. This is an insurance policy that the money appropriated will be utilized to ensure the health of our Nation's water bodies.

There are tremendous misstatements about this measure. I will correct those in the material I submit for the RECORD. I point out that if this bill is vetoed, as some on the other side wish, it will be an 11.5 percent cut below this bill under the continuing resolution. Environment will be much worse off if this bill is vetoed. For that reason, I would urge my colleagues, all of my colleagues on this side, to support the bill.

I hope that we can work together and have the support of some of our colleagues on the other side because, if additional funds are made available above our current 602(b) allocation, they may be added by a continuing resolution which I hope would be agreeable on both sides of the aisle.

Mr. President, I express my greatest thanks to my ranking member, the distinguished former chair of this committee, for her invaluable assistance. She and I wish that we had had more money available. But she has been extremely helpful and very capable and a great asset in moving this process forward.

Mr. President, I have spoken once today on how well we have treated EPA in this year's appropriation, despite overall budget reductions, and I will not repeat my entire statement. But I will say once again that the conference agreement makes clear that Republicans support protecting and cleaning up the environment—but that we do not support duplicative, wasteful spending and micromanaging States' environmental efforts.

Despite the fact that the House had reduced EPA by one-third in its original VA–HUD bill, in conference we were able to find an additional $49 million above the Senate-passed bill which had $770 million more than the House for EPA.

The final amount for EPA is $5.7 billion, a reduction of just $235 million or 4 percent below the fiscal year 1995 post-rescission funding level.

The largest reductions below last year come from two key areas—Superfund—a program mired in litigation and bureaucracy which must be fixed, and sewer treatment construction earmarks, which were reduced by $500 million below last year's level.

The committee's recommendation closely parallels recommendations made to this committee by the National Academy of Public Administration, and are intended to streamline the agency, eliminate duplication, ensure a flexible approach to working with industry, and full support to the States.

More than 40 percent of the appropriation—$2.3 billion—goes directly to the States for grants to meet environmental mandates. This is an increase of approximately $300 million over last year.

The largest programmatic reduction in the bill is from Superfund—a reduction of $170 million below fiscal year 1995. There is no need to throw money at a program which virtually everyone agrees does not work. However, despite serious concerns about the program, we found $160 million in conference above the House and Senate-passed spending levels for this program. This amount ensures that all projects in the pipeline receive funding and that risks to human health and the environment will be addressed.

Mr. President, compared to the current continuing resolution, this conference agreement provides a 11.5-percent increase. So I cannot understand why the President wants to veto this bill. I imagine a full year CR would be even tighter than the current one. Unfortunately, the White House has indicated an unwillingness to negotiate a reasonable compromise on the VA–HUD bill.

I made reference in this morning's floor statement about the press conference the Vice President and Ms. Browner would be holding later in the day. I have just received the press release from EPA and I am very troubled by the factual inaccuracies contained in it. Let me provide one example of how this administration is misrepresenting what this budget does.

The press release says the Republican budget threatens the safety of water quality because it cuts by 45 percent State loan funds that would help communities protect their drinking water. Mr. President, this just is not true.

This bill provides $500 million for drinking water State revolving funds—the President's full budget request. There were no dollars spent on this program last year because it was not authorized. Not a penny of the funds appropriated last year has been spent. We have stipulated in the bill that the amount remaining from last year's appropriation, $225 million, in addition to new funds totaling $275 million, go to drinking water State revolving funds if there is an authorization by June 1. And if not, those funds would be provided for wastewater State revolving funds. We've provided an insurance policy that if no authorization occurs, the States will still be able to spend these funds on water infrastructure to ensure the health of our Nation's water bodies.

In the previous two appropriations for drinking water State revolving funds, those funds were not available unless a drinking water bill was enacted.

Finally, let me mention the so-called riders. The conference agreement includes only six legislative riders for pertaining EPA, most of which are completely noncontroversial and several of which were included in previous VA–HUD bills authored by Democrats. In fact, the Senator from New Jersey was a supporter, I am told, of one of the so-called rider pertaining to radon in drinking water in previous years.

I think it is time we start talking straight and fairly about what this bill does and does not do to the environment. I urge those on the other side of the aisle once again to quit the grandstanding and factual inaccuracies.

I yield the floor.

Ms. MIKULSKI. Mr. President, I have nothing to add to all that has been said. My opening statement summarized everything. I yield back such time that I might have. Our side of the aisle is ready to vote.

The PRESIDING OFFICER. The hour of 6:45 having arrived, the Senate will proceed to vote on agreeing to the conference report accompanying H.R. 2099. The yeas and nays having been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. LOTT. I announce that the Senator from Texas [Mr. GRAMM] is necessarily absent.

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

The result was announced—yeas 54, nays 44, as follows:

[Rollcall Vote No. 606 Leg.]

YEAS—54

Abraham	Dole	Jeffords
Ashcroft	Domenici	Johnston
Bennett	Faircloth	Kassebaum
Bond	Frist	Kempthorne
Burns	Gorton	Kerrey
Byrd	Grams	Kyl
Campbell	Grassley	Lott
Chafee	Gregg	Lugar
Coats	Hatch	Mack
Cochran	Hatfield	McCain
Coverdell	Heflin	McConnell
Craig	Helms	Moynihan
D'Amato	Hutchison	Murkowski
DeWine	Inhofe	Nickles

Pressler	Smith	Thomas
Santorum	Snowe	Thompson
Shelby	Specter	Thurmond
Simpson	Stevens	Warner

NAYS—44

Akaka	Exon	Lieberman
Baucus	Feingold	Mikulski
Biden	Feinstein	Moseley-Braun
Bingaman	Ford	Murray
Boxer	Glenn	Nunn
Bradley	Graham	Pell
Breaux	Harkin	Pryor
Brown	Hollings	Reid
Bryan	Inouye	Robb
Bumpers	Kennedy	Rockefeller
Cohen	Kerry	Roth
Conrad	Kohl	Sarbanes
Daschle	Lautenberg	Simon
Dodd	Leahy	Wellstone
Dorgan	Levin	

NOT VOTING—1

Gramm

So, the conference report was agreed to.

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

Mr. D'AMATO. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senate concurs in the House amendment to Senate amendment No. 63.

The Senator from Missouri.

Mr. BOND. Mr. President, I want to thank those Members who supported us in this very difficult measure. I have already mentioned the absolutely vital assistance and support of the distinguished ranking member, the Senator from Maryland, Senator MIKULSKI. She has been most helpful.

I would say also that I am most appreciative of her staff, Rusty Mathews and Steve Crane, who have been of great assistance to us in this measure.

On my side, Stephen Kohashi, who is the lead clerk, Carrie Apostolou. We had the help of Steve Isakowitz on NASA matters, and of course Lashawnda Leftwich has worked with us. This was not a bill. This seemed to be more like a multiyear protect.

I express my sincere thanks to all of the people, the staff, who worked so hard on it. I express particular thanks to the people in the administration, particularly Dan Golden, James Lee Witt, and Henry Cisneros, who worked very cooperatively with us to help implement the very difficult decisions we had to make.

As I mentioned earlier, there has been a tremendous amount of misinformation and disinformation put out about this bill. I will be preparing a full explanation of some of the misstatements that were issued in the news conference held earlier today. It is regrettable that we cannot have an honest debate, using figures that are actual figures from last year and actual figures in this bill, but that, unfortunately, does not seem to be the rule.

Mr. President, I believe there is a remaining amendment which we need to dispose of?

The PRESIDING OFFICER. There is no further amendment. It has been adopted.

Mr. BOND. Mr. President, there seems to be no further comments from my ranking member.

MORNING BUSINESS

Mr. BOND. Mr. President, I ask unanimous consent there be a period for the transaction of routine morning business with Senators permitted to speak for up to 5 minutes each.

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

BOSNIA

Mr. BAUCUS. Mr. President, last night I voted in support of the Bosnia resolution offered by our distinguished majority leader, Senator DOLE. and President Clinton for putting their principles above politics. We have a great national tradition of bipartisanship in foreign policy. The world must know that, when it comes to America's role in the world, we stand together—Republicans, Democrats, and independents alike—as Americans. In that regard, Senator DOLE and President Clinton have served us very well.

While I have deep concerns about this country's Bosnia policy, I also believe it is our moral and patriotic duty to stand by our troops already on the ground in Bosnia. These brave men and women deserve a strong showing of support for their work and their mission. And that is exactly what an overwhelming and bipartisan majority of the Senate gave them last night. We owed them nothing less.

Yet I remain deeply concerned about the wording of Senator DOLE's resolution and our mission in the former Yugoslavia. First and foremost, our troops are being sent to Bosnia as peacekeepers. They are there to enforce the terms of the peace agreement negotiated in Dayton, OH. And I firmly believe—for their own safety and the success of this mission—they must remain neutral. They must not be perceived as taking sides in the regional and ethnic conflict that has torn the former Yugoslavia apart.

Unfortunately, I fear the resolution we voted on last night sends a message that our troops will not be neutral; that they will be called upon to help train and rearm the Bosnian Moslems; that they will be engaged in enterprise of nation building that failed so badly in Somalia. And if that happens—if our troops are anything more than neutral peacekeepers—this mission is destined to failure. We must not let that happen.

In closing, I urge the President and our military leaders to do everything possible to assure the safety, neutrality, and success of our troops and their mission in Bosnia. And I urge everyone to say a prayer that they make it home soon.

BOSNIA

Mr. DODD. Mr. President, yesterday I did not speak on the pending Bosnia resolutions in order to permit the Senate to finish its consideration of this important matter prior to the formal signing of the Dayton Agreement in Paris early this morning.

However, I wanted to take this opportunity to express my thoughts on what transpired yesterday.

Yesterday, Mr. President, the Senate went on record as to whether this institution supports the President's decision to participate in the Bosnian peace initiative. In fact, I believe that we went on record on matters much broader and more significant than that. We went on record as to whether we in the United States Senate support peace in Bosnia or war? Whether we support the continuation of American leadership in the world or the abdication of that leadership? Whether we support a post-cold-war international order that is governed by the rule of law or the force of arms?

To some, this may seem a rather simplistic summary of what the debate over the last several days was all about. But, I would say to my colleagues, when you boil it all down, that is what we were really talking about.

The war that has raged in Bosnia for nearly 4 years has been one of unspeakable atrocities; of torture, internment, rape, execution, of ethnic cleansing and genocide. More than a quarter of a million people have lost their lives. Millions more have been made refugees—many within the borders of their own country. Once stable multiethnic towns and villages have become flaming infernos as opposing Moslem, Serb, and Bosnian forces have sought revenge against one other.

Regardless of one's views on the various resolutions we will vote on, I know that our shared hopes and prayers are that the Dayton peace accord—brokered by the United States, and agreed to by all the warring factions—will once and for all bring to a close this bloody chapter of Bosnia's history.

I believe that the Dayton peace agreement contains the essential ingredients to facilitate the writing of a new, hopefully brighter chapter for the people of Bosnia.

These elements include: Bosnia preserved as a single State, within its present internationally recognized borders; the country subdivided into two juridical entities—the Federation of Bosnia and Herzegovina and the Republic of Srpska; an agreed cease-fire line, the separation of opposing forces on either side of this line, and the establishment of a demilitarization zone; the creation of a 60,000-person peace implementation force, under NATO command, to monitor and enforce the military aspects of the agreement; internationally supervised democratic elections for President and Parliament to be conducted within a year; freedom of movement of all Bosnian citizens; independent monitoring of human rights of all Bosnians; the establishment of an internationally trained civilian police force; and a commitment by all parties

to cooperate with the activities of the War Crimes Tribunal.

Clearly the implementation of the military aspects of this agreement are critical to the success or failure of the other elements of the peace plan. And, U.S. participation in the implementation force is pivotal in that regard. But, it is important to keep in mind that while U.S. participation is essential, we will not be alone in the effort to implement the agreement—more than 25 countries have pledged to participate as well and will provide two-thirds of the 60,000-person implementing force.

While the Dayton Agreement has been well crafted, it is by no means 100-percent guaranteed to be successful—no agreement of this kind falls into that category. However, every effort has been made to minimize the chance of failure. Each and every American soldier who goes to Bosnia will be well trained and well armed to face any eventuality. The leaders of Bosnia, Croatia, and Serbia have also pledged to ensure the safety and security of the implementing force.

However, Mr. President, I think it would be unrealistic to promise the American people that there will be no casualties incurred during Operation Joint Endeavor. That is a promise that is not, unfortunately, totally within our power to fulfill.

Ultimately the success or failure of the Bosnian peace agreement will depend upon the willingness of the governments of Bosnia, Croatia, and Serbia to live up to their commitments to each other and to the international community. Without question, U.S. involvement will heighten the prospects for compliance by all parties and lessen the possibility that the Balkans will once again become engulfed in war. On the other hand, if the United States stands on the sidelines at this crucial moment, the renewal of armed conflict is all but assured.

Many of my colleagues have mentioned in the course of this debate that public opinion polls suggest that the American people do not currently support the deployment of United States troops to Bosnia. To them I would say, there is nothing novel about that. The public was initially quite negative about U.S. participation in the Persian Gulf war and only when Operation Desert Storm was up and running did the public mood shift.

It is no secret that the American people have always cared more about what happens at home than abroad and have sometimes been slow to appreciate the ramifications of international events on their own domestic security and prosperity. It is the responsibility of the President and other political leaders to explain to our citizens why a particular course of action is ultimately in the interest of this country.

President Clinton has endeavored to explain the various United States interests at stake in the Bosnian peace process. I believe he has done a very credible job of making the case for the difficult decision he has made. On November 27, President Clinton went directly to the American people to explain why he is prepared to participate in the quest for peace in Bosnia.

During that address he put the matter very succinctly:

> In Bosnia, a terrible war has challenged our interests and troubled our souls. Our interests are plain. The cause is right. Our mission will be clear, limited and achievable. The people of Bosnia, our NATO allies and people around the world are looking to America for leadership. Let us lead. That is our responsibility as Americans.

I agree with the President that the rest of the world looks to the United States for leadership. We cannot and should not answer every call for U.S. assistance. It is up to us, of course, to decide whether it is in our national interest to assume a leadership role in any particular situation. In the case of Bosnia, the situation is clear—United States leadership is essential.

I commend this body for taking the action that it did yesterday, in voting in support of the Dole/McCain resolution. We did what was critical—we sent a clear signal to the world that we are united as a nation in our resolve to support peace in Bosnia, and that we stand full square behind the men and women of our Armed Forces as they commence their mission of peace in the coming days.

With that affirmative vote we did not simply give peace a chance in Bosnia. We did far more. We reaffirmed our position as a world leader and strengthened the rule of law in the post-cold-war era. I am proud of what the Senate accomplished last night.

HAITI—A MULTI-BILLION-DOLLAR FOREIGN POLICY FAILURE

Mr. HELMS. Mr. President, U.S. policy regarding Haiti is another example of throwing good money after bad. In order to keep a sinking foreign policy ship afloat, the Clinton administration has handed over, in less than a year and a half, more than $2 billion of the American taxpayers' money in propping up the regime of President Jean-Bertrand Aristide.

This enormous sum of money has gone to a tiny, corrupt country representing less than 1 percent of this hemisphere's population.

Within the past month, I have received new requests from the administration to send additional millions of dollars to Haiti.

President Clinton's enormous spending spree in Haiti has not produced the stability, security, and democracy promised by the Clinton administration. I possess no crystal ball but it was apparent to me then, and still is, that politically motivated assassinations and increased mob violence would result if Aristide were reinstated as President to be propped up by American soldiers. But, just as was the case early in the 20th century when the United States Marines occupied Haiti for 19 years and did not bring democracy to Haiti, the present military occupation has not transformed Aristide into a leader who believes in and practices democratic ideals.

Mr. President, whatever Aristide and his cronies are committed to, it certainly isn't democracy. Their primary interest is U.S. dollars.

Aristide has flatly refused to implement free market reforms, and has warned that the first person who ''dares sell the state's possessions on behalf of privatization'' will be ''arrested immediately.'' In fact, Aristide's hostility toward free market economic reform resulted in a political crisis which led to the resignation of his Prime Minister in October and the suspension of all World Bank programs.

In June's legislative elections, fraud was rampant, and several opposition candidates were threatened and intimidated. Poll workers were largely untrained, voting secrecy was rare, ballots were burned or dumped, and tally sheets were widely doctored.

Even with 6,000 international troops and a new U.S.-trained police force in place, dozens of politically motivated murders have occurred since the Clinton administration restored Aristide to power last October. In March, a woman was gunned down in retaliation for criticizing President Aristide.

Another Port-au-Prince murder is reminiscent of the Old Testament account of King Abel who coveted the property of his subject, Naboth. When Naboth refused to sell, King Abel had him poisoned and took the property.

History is repeating itself in Haiti. Michel Gonzalez and his American wife were Aristide's neighbors in the Port-au-Prince suburbs. When Aristide wanted to add on to his villa, several neighbors accepted his offer to buy their property. However, despite several offers from Aristide, Mr. Gonzalez declined to sell his home. So, on May 22, as Mr. Gonzalez entered his driveway with his teenage daughter, he was gunned down. Sources in Haiti assert that soon after the assassination, the wall dividing the properties was knocked down. Aristide got his way.

On November 11, President Aristide incited mobs to violence at a funeral of a political crony and relative. His bloodthirsty syncophants responded immediately, and across Haiti, buildings were burned, houses were ransacked, and dozens were murdered. Yet violence has not abated. Recently, the bodies of seven men and women were found in a dump near Port-au-Prince, gagged and shot in the head.

Mr. President, not one person has been prosecuted and sentenced for any of at least 22 politically motivated murders committed between January and October of this year. In fact, I am unaware of any serious investigation into these assassinations, much less into the more recent murders last month.

When asked by a Creole newspaper about killings sparked by his speech,

Aristide said that ''If Jesus was so angry when he entered the temple that he took up a whip, turned over the tables and talked harshly to the hypocrites, all the more reason for us to do so who are Jesus' servants.'' For this man to compare himself to Jesus is disgustingly blasphemous.

Aristide opposes every principle for which our country stands. For the United States to spend over $2 billion in taxpayer dollars to prop up this man is unconscionable.

Mr. President, Aristide threatened to send a flood of refugees to the United States if additional millions of the American citizens' dollars are denied him. And the Clinton administration has capitulated to this blackmail. But this Senator, for one, cannot stomach using U.S. tax money to sponsor a tyrant who has demonstrated no concern for justice or democracy.

If the December 17 elections proceed, Aristide's hand-picked successor, Rene Preval, will almost certainly win, inasmuch as 10 of the 12 largest political parties are boycotting the election. Aristide declares that he and Preval are twins—an allusion to their ideological similarity. It is, to be sure, an indication of what a Preval president will be.

The deteriorating situation in Haiti is clear: Unless Aristide and his successor fulfill their promises to the Haitian people, to the United States Government, and to the international community, neither United States troops nor additional billions of United States taxpayers' dollars can ever bring democracy to Haiti.

BOSNIA

Mr. LEAHY. Mr. President, I have spoken several times on the Senate floor about the situation in Bosnia. Just last night, the Senate voted in support of our troops.

Time and again, I have listened to Senators cite the amount of phone calls and letters they have received from their constituents both for and against sending American ground troops to Bosnia.

I, too, have heard from a number of Vermonters about this issue. Over the past several weeks, opponents of President Clinton's Bosnia policy have outnumbered supporters by a 3 to 1 margin.

I think it is appropriate, however, that on the day the Bosnian peace agreement is signed in Paris, I share with the Senate a letter I received from my friend, Colonel R.W. van de Velde USA (Ret.).

I ask unanimous consent to insert his letter in the CONGRESSIONAL RECORD after my statement and yield the floor.

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

NOVEMBER 15, 1995. R.W. van de Velde Ridge Road, RR 2 Cornwall Middlebury, Vermont 05753

TO THE EDITOR: It is unfortunate, but foreign policy is paid attention to by other nations only when it has economic or military clout. It would be a nicer world if some other reason, such as logic or kindness, had similar clout, but in a world of humans rather than of angels, that is very rarely the case.

So when the President of the United States says the military must be used, he is backing up policy with muscle. Sometimes the mere threat of that kind of muscle is enough. The situation in the Balkans surely has gone beyond that possibility.

It is also a fact of life that a leader, or a nation that will not lead is bound to lose his or its ability to lead.

It is another truth that whether we like it or not, the world looks on the United States for leadership. We are the richest and strongest in the world in peace as well as war. We are a peaceful people, but we maintain a well trained and well equipped military force; and it is all volunteer. There is no draft—no unfairness—everyone in the military service of this Nation is a person who chose that service presumably with his/her eyes open and mindful that there might someday be some dangers, some risks, to life and limb. How we, a nation, got the notion that military force can be exerted without risk, I don't understand.

Let us not be ''skeptical'' or fearful of using our military strength when we can't do otherwise. Anyone who says ''let Europeans clean up their own mess'' simply does not understand the condition of Europe or the Balkans. Both need American leadership and strength, and so do we if we are to continue as the ideal of what a big nation should be.

R.W. VAN DE VELDE
Colonel, U.S. Army (Ret.).

NOTE

(In the RECORD of December 12, 1995, beginning on page S18387, an improper version of the statement by Senator COHEN was reflected. The permanent RECORD will be changed to reflect the following correct statement.)

Mr. COHEN. Mr. President, I have lamented on a number of occasions the erosion of civility in our public discourse. This is a trend that has had a negative impact on our politics and on the relationship between the government and the citizenry. The heightened level of rhetoric, the slash-and-burn tactics, and the accusations of bad faith, have made it more difficult for politicians to communicate with each other and to communicate with those we represent. It has made it more difficult for reasonable people to reach agreement and far too easy for unreasonable voices to dominate the debate.

The breakdown in the tone of our discourse is symptomatic of a wider problem which many have described as a deterioration of civil society. Our civil society is the collection of public and private institutions, and accepted moral principles, that bind us together as a community of citizens. Civil society is what makes us a nation of community, rather than merely a group with common voting rights.

There is abundant evidence that our civil society is fraying around the edges. People lack faith in the capacity of government to act in the interest of the people. There is a growing lack of confidence in our public schools—one of the great unifying forces in our country. Americans are less engaged in fewer communal activities than we once were. We are much more apt to stay at home to rent a video, communicate on the faceless Internet, or channel-surf on cable TV, than we are to attend a PTA meeting, march in a parade—or even join a bowling league, as one Harvard professor's study revealed.

It is against this background that today we consider the constitutional amendment to prohibit desecration of the U.S. flag. The argument for protecting the flag is a weighty one: The U.S. flag is a unique symbol of our nationhood. When our troops go to battle to fight for our Nation, they march under the banner of the flag; each day when our children go to school, they pledge allegiance to the flag; when a national leader or world dignitary dies, the flag is flown at half mast; when one of our athletes wins a gold medal at the Olympic Games, the flag of the United States is raised; when a soldier or police officer dies, his or her coffin is draped with the flag; when immigrants are naturalized, they salute to the flag.

In this diverse Nation, respect for the flag is a common bond that brings us together as a nation. Our common reverence for the flag is part of what makes us citizens of a country, not just individuals that happen to live in the same geographic area.

There is also no denying that when the flag is burned, desecrated, despoiled, or trampled upon, the potency of the flag as a symbol is denigrated. When the flag is burned, whether by Iranian fundamentalists during the hostage crisis or by American protestors here at home, we are rightly outraged because these acts represent a direct affront to our Nation. By tolerating flag desecration, we are condoning actions that undermine the fabric of our national life.

Critics of the flag amendment have reminded us that because flags owned by the Government are still protected under current law, this amendment will only restrict what individuals can do with flags that they own personally. But the flag is not a mere piece of property like a car or television, it is more than the fabric and dye and stitching that make it up. The design of the American flag and the values it represents belong to all of us; in a sense, it is community property. We the people maintain part ownership of that flag and should be able to control how our property may be treated.

This is not a very radical principle. Federal law already controls what we can or cannot do with our own money. Anyone that mutilates, cuts, defaces, disfigures, or perforates a dollar bill can be fined or put in jail for 6 months. Similarly, in O'Brien versus United States the Supreme Court upheld the

conviction of a protestor that burned his draft card on the ground that the Government had a substantial interest in protecting a document necessary for the efficient functioning of the selective service system. Why is our interest in protecting currency or Government documents any stronger than protecting our greatest national symbol?

Opponents of the flag amendment also maintain that it trivializes the Bill of Rights by carving out an exception to the first amendment. This argument is based on the classic libertarian belief that truth can only emerge from complete freedom of expression and that the Government cannot be trusted to distinguish between acceptable and unacceptable forms of action or speech.

This first amendment absolutism, however, is contrary to our constitutional tradition. The list of types of speech that may be regulated or banned by the Government according to our Supreme Court precedents is lengthy: libel, obscenity, fighting words, child pornography, deceptive advertising, inciteful speech, speech that breaches personal privacy, speech that undermines national security, nude dancing, speech by public employees, infringements of copyright, and speech on public property, to name a few.

And consider how narrow the flag amendment's restriction of speech really is and how little it limits our ability to protest against the Government. Even if the amendment is enacted one could still write or say anything about the Government; one could still burn a copy of the Constitution or effigies of political leaders; indeed, one could put a picture of a flag being burned on the Internet and circulate it to millions of people across the world with the push of a button.

Recall the words the protestors chanted while Gregory Lee Johnson set a flag on fire and gave rise to this entire controversy:

> Reagan and Mondale, which will it be? Either one means World War III. Ronald Reagan, killer of the hour, perfect example of U.S. power. America, the red, white, and blue, we spit on you, you stand for plunder, you will go under.

So regardless of whether we have a flag amendment, there are a multitude of ways to heap contempt on the Government, should one choose to do so. The effect of the amendment on free expression would be negligible.

But if the impact of the restriction is so minimal, why do we need to raise this issue to such a level of importance? The answer is because the flag remains the most powerful symbol capable of unifying a diverse, disparate nation. It is a centrifugal, galvanizing force in our lives—and it will remain so only as long as it is not trashed, despoiled, or debauched by those who insist that one is free to indulge in any act to give expression to his or her thoughts.

I also want to take issue with the contention that our liberal tradition prohibits us from ever making substantive value judgments about what is good speech and what is not or that we must always remain indifferent or neutral with respect to the ideas and images that bombard us over the airwaves or through the media. For when freedom is defined by the absence of all restraint, then liberty descends to license and license yields to disorder and dysfunction. As someone once observed, a river without its banks is not a river, but a flood.

Senator DOLE touched on this theme in a speech he gave earlier this year criticizing the violent movies being produced in Hollywood these days. It isn't inconsistent with the first amendment to speak out against movies that contain dozens of shootings, or gruesome acts of violence that are then copied in real life only days after the initial screening. It isn't an act of Government censorship for politicians to criticize music containing lyrics that denigrate women, glorify cop-killers as role models, and promote racial divisiveness.

Likewise, it is not Government censorship when the people amend the Constitution to prohibit one narrow, repulsive form of expression. The process of amending the Constitution does not consist of a dictatorial tyrant or imperial monarch exercising its power over enslaved subjects; rather it is the act of free people exercising their sovereign power to impose rules upon themselves. By enacting this amendment through the process set forth in article V of the Constitution, ''We the people'' will be determining that the message being expressed by those who burn the flag is not worthy of legal protection. The amendment represents a subjective, value-laden judgment by ''the people'' that our interest in preventing the damage that flag desecration inflicts upon our national character outweighs the meager contribution that flag burning makes to the advancement of knowledge and understanding of ideas. The Supreme Court balances interests in this manner in almost every constitutional case it decides. Why is it that we have no qualms about deferring to the value-judgments made by unelected jurists but we become squeamish when making such judgments through our most solemn act of self-government—amending the Constitution?

I do not believe this flag amendment sets a bad precedent by carving out an exception to the first amendment or that ''the people'' will act irresponsibly by amending the Constitution in a frequent or cavalier fashion. For one thing, the Constitution, in its wisdom, makes that too difficult to do. Also, I trust the people. They understand the value of liberty. I am confident that it will be the rare occasion that the people make an exception to our general tolerance for free expression by targeting a form of expressive activity for special treatment. And I am confident that our national character will be improved, not weakened, by the protection of our unique symbol of nationhood.

I agree with Justice Stevens' opinion in Texas versus Johnson. He said:

> The value of the flag as a symbol cannot be measured. Even so, I have no doubt that the interest in preserving that value for the future is both significant and legitimate.
>
> Similarly, in my considered judgment, sanctioning the public desecration of the flag will tarnish its value, both those who cherish the ideas for which it waves and for those who desire to don the robes of martyrdom by burning it. That tarnish is not justified by the trivial burden on free expression occasioned by requiring an available, alternative mode of expression, including words critical of the flag, be employed.

So I support this resolution to send the flag protection amendment to the States for ratification. And I urge my colleagues to support it as well.

MESSAGES FROM THE HOUSE

ENROLLED BILLS SIGNED

At 4:03 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 325. An act to amend the Clean Air Act to provide for an optional provision for the reduction of work-related vehicle trips and miles traveled in ozone nonattainment areas designated as severe, and for other purposes.

H.R. 1240. An act to combat crime by enhancing the penalties for certain sexual crimes against children.

The enrolled bills were signed subsequently by the President pro tempore (Mr. THURMOND).

MEASURE PLACED ON THE CALENDAR

The following measure was read a second time and placed on the calendar:

S. 1472. A bill to provide for one additional Federal judge for the middle district of Louisiana and one less Federal judge for the eastern district of Louisiana.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–1698. A communication from the Director of Selective Service, transmitting, pursuant to law, a report relative to the Inspector General Act; to the Committee on Governmental Affairs.

EC–1699. A communication from the Administrator of the U.S. Agency for International Development, transmitting, pursuant to law, the report under the Inspector General Act for the April 1 through September 30, 1995; to the Committee on Governmental Affairs.

EC–1700. A communication from the Chairman of the U.S. International Trade Commission, transmitting, pursuant to law, the report under the Inspector General Act for the period April 1 through September 30,

1995; to the Committee on Governmental Affairs.

EC–1701. A communication from the Chairman of the Board of Directors of the Panama Canal Commission, transmitting, pursuant to law, the report under the Inspector General Act for the period April 1 through September 30, 1995; to the Committee on Governmental Affairs.

EC–1702. A communication from the Chairman of the Federal Housing Finance Board, transmitting, pursuant to law, the Inspector General's report for the six-month period ending September 30, 1995; to the Committee on Governmental Affairs.

EC–1703. A communication from the Chairman of the Federal Trade Commission, transmitting, pursuant to law, the report under the Inspector General Act for the period April 1 through September 30, 1995; to the Committee on Governmental Affairs.

EC–1704. A communication from the Administrator of the General Services Administration, transmitting, a draft of proposed legislation to amend the Federal Property and Administrative Act of 1949, as amended, (40 U.S.C. 484(j)) to authorize the Administrator of General Services to transfer title surplus personal property the State agencies for surplus property for donation to eligible donees without Federal restrictions; to the on Governmental Affairs.

EC–1705. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, the semiannual report of the Inspector General and the Management Response for the period April 1 through September 30, 1995; to the Committee on Governmental Affairs.

EC–1706. A communication from the Chairman of the Consumer Product Safety Commission, transmitting, pursuant to law, the report under the Inspector General Act for the period April 1 through September 30, 1995; to the Committee on Governmental Affairs.

EC–1707. A communication from the Director of the Peace Corps, transmitting, pursuant to law, the report under the Inspector General Act for the period April 1 through September 30, 1995; to the Committee on Governmental Affairs.

EC–1708. A communication from the Chairman of the National Credit Union Administration, transmitting, pursuant to law, the report under the Inspector General Act for the period April 1 through September 30, 1995; to the Committee on Governmental Affairs.

EC–1709. A communication from the Chairman and General Counsel of the National Labor Relations Board, transmitting, pursuant to law, the report under the Inspector General Act for the period April 1 through September 30, 1995; to the Committee on Governmental Affairs.

EC–1710. A communication from the Administrator of the General Services Administration, transmitting, pursuant to law, the report under the Inspector General Act for the period April 1 through September 30, 1995; to the Committee on Governmental Affairs.

EC–1711. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report under the Inspector General Act for the period April 1 through September 30, 1995; to the Committee on Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. D'AMATO, from the Committee on Banking, Housing, and Urban Affairs, with an amendment in the nature of a substitute:

S. 650. A bill to increase the amount of credit available to fuel local, regional, and national economic growth by reducing the regulatory burden imposed upon financial institutions, and for other purposes (Rept. No. 104–185).

By Mr. WARNER, from the Committee on Rules and Administration, without amendment:

H.R. 2527. A bill to amend the Federal Election Campaign Act of 1971 to improve the electoral process by permitting electronic filing and preservation of Federal Election Commission reports, and for other purposes.

H.J. Res. 69. A joint resolution providing for the reappointment of Homer Alfred Neal as a citizen regent of the Board of Regents of the Smithsonian Institution.

H.J. Res. 110. A joint resolution providing for the appointment of Howard H. Baker, Jr. as a citizen regent of the Board of Regents of the Smithsonian Institution.

H.J. Res. 111. A joint resolution providing for the appointment of Anne D'Harnoncourt as a citizen regent of the Board of Regents of the Smithsonian Institution.

H.J. Res. 112. A joint resolution providing for the appointment of Louis Gerstner as a citizen regent of the Board of Regents of the Smithsonian Institution.

By Mr. WARNER, from the Committee on Rules and Administration, with an amendment and with a preamble:

S. Con. Res. 34. A concurrent resolution to authorize the printing of ''Vice Presidents of the United States, 1789-1993''.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. ROTH, from the Committee on Finance:

Joshua Gotbaum, of New York, to be an Assistant Secretary of the Treasury.

Jeffrey R. Shafer, of New Jersey, to be an Under Secretary of the Treasury.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. HATCH, from the Committee on the Judiciary:

Merrick B. Garland, of Maryland, to be United States Circuit Judge for the District of Columbia Circuit.

(The above nomination was reported with the recommendation that he be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. GRAMS:

S. 1478. A bill to facilitate the ability of a private consortium to site, design, license, construct, operate, and decommission a private facility for the interim storage of commercial spent nuclear fuel, subject to licensing by the Nuclear Regulatory Commission, to authorize the Secretary of Energy to contract with the consortium for storage services, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SARBANES (for himself and Ms. MIKULSKI):

S. 1479. A bill to amend the Surface Mining Control and Reclamation Act of 1977 to improve control of acid mine drainage, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. BOXER (for herself and Mr. HARKIN):

S. 1480. A bill to provide for the comparable treatment of Federal employees and Members of Congress and the President during a period in which there is a Federal Government shutdown; to the Committee on Governmental Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GRAMS:

S. 1478. A bill to facilitate the ability of a private consortium to site, design, license, construct, operate, and decommission a private facility for the interim storage of commercial spent nuclear fuel, subject to licensing by the Nuclear Regulatory Commission, to authorize the Secretary of Energy to contract with the consortium for storage services, and for other purposes; to the Committee on Energy and Natural Resources.

THE PRIVATE INTERIM STORAGE FACILITY AUTHORIZING ACT OF 1995

• Mr. GRAMS. Mr. President, on the heels of today's Senate Energy and Natural Resources Committee hearing on legislation to amend the Nuclear Waste Policy Act, I am introducing legislation to privatize the Federal spent fuel interim storage program. It is my understanding that the House plans to act on similar legislation before the Christmas recess. Today's hearing, coupled with the introduction of my bill should provide the impetus for timely action in the full Senate.

When the Energy Committee held a hearing on various nuclear waste policy proposals earlier this year, all of our witnesses agreed that the ''1998'' date is critical in this debate. With 1996 only a few weeks away, the deadline is rapidly approaching and we are no closer to resolving this issue than the last time Congress enacted nuclear waste legislation [1987].

But it is not like we haven't seen this deadline coming. For 16 years, the Department of Energy has been charged with the responsibility of our civilian spent fuel. In that time, DOE has spent nearly $5 billion of ratepayers' money—including over $250 million from Minnesota's electric customers. And yet here we sit, debating the issue of exactly what to do with America's civilian nuclear waste.

But the Department of Energy just continues to go round in circles. First, they said we can store waste at Yucca Mountain; then they tell us we can't force it on Nevada. Then DOE says they can't meet the 1998 deadline—and even claim they aren't legally bound to do so; then they tell us they can, if only Congress would ''untie'' their hands. The latest was that an interim facility couldn't be complete for 7 years at a cost of nearly $400 million; then their testimony says it could be

done in 4 at a third of the cost. It is hard to tell what is truth and what is fiction for the DOE anymore. It is my hope that today's hearing will help us find out.

For the past few months, I have met with and carefully reviewed reports and studies by the General Accounting Office, independent groups, former DOE employees, and even former Energy Secretary Watkins on this issue. I found there is strong support for removing the civilian waste program from DOE—and that support grows even stronger when we focus specifically on privatizing the interim storage program.

After years of working on this issue with Minnesota's ratepayers, utilities and State officials, I am convinced that privatizing the interim storage program remains our last, best hope for getting waste out of Minnesota and the other 30 plus States which are struggling with this issue.

Later today, I will be introducing the Private Interim Storage Facility Authorizing Act of 1995. My legislation targets one small—but key—component of the overall Federal nuclear waste program.

Privatizing the interim waste storage program offers three key benefits—it saves money, it provides relief to States such as Minnesota that are faced with on-site storage restrictions, and it protects the environment.

And as with most initiatives, privatizing the interim storage program would improve efficiency and lower costs to the taxpayers. Based upon the business plan for the Mescalero private initiative, a private interim facility could be completed for approximately $135 million and done in time to meet the 1998 deadline.

That is hundreds of millions of dollars less than what the Office of Civilian Radioactive Waste Management originally quoted earlier this summer. And while DOE has revised its estimates downward in recent weeks, it is only because of the undisputable cost data for the Mescalero project.

Competition always reduces costs, particularly when it is with the Federal Government—the Mescalero project is proof of that. With the Mescalero initiative moving forward while congressional action has stalled—some have asked if this venture could resolve the interim issue. The short answer would be ''yes,'' in fact, 20 utilities are now participating in this private venture.

But Congress and the DOE have the legal responsibility to resolve this issue. And we have the responsibility of ensuring it is done by 1998.

Mr. President, I believe focusing on the interim storage privatization not only represents a workable option, but it also provides a ''win-win'' for ratepayers, for States, and for the environment. Therefore, I would encourage my colleagues to join with me in cosponsoring the Private Interim Storage Facility Authorizing Act of 1995.●

By Mr. SARBANES (for himself and Ms. MIKULSKI):

S. 1479. A bill to amend the Surface Mining Control and Reclamation Act of 1977 to improve control of acid mine drainage, and for other purposes; to the Committee on Energy and Natural Resources.

THE ACID MINE DRAINAGE ABATEMENT ACT OF 1995

Mr. SARBANES. Mr. President, today I am introducing legislation, together with my colleague, Senator MIKULSKI, to help address a serious pollution problem—acidic runoff from abandoned coal mines—which continues to degrade the water quality of our Nation's rivers and streams. My legislation would provide States with increased flexibility to utilize their allocations under the Abandoned Mine Reclamation Fund for environmental remediation activities.

Abandoned mine drainage is the unfortunate legacy of coal mining in the years before environmental laws were enacted requiring coal companies to reclaim mined land. After the coal was extracted, the land was left riddled with coal waste, known as gob piles, and pock-marked with holes. The mining activity also unearthed sulfur compounds and metals such as aluminum, manganese and iron. When exposed to the elements, the sulfur compounds produce sulfuric acid which in turn leaches metal loads into the streams, poisoning the water and killing fish and plant life. There are in excess of 7,600 miles of streams in 11 States that are adversely affected by abandoned mine drainage.

In the Appalachian region, which suffers the most serious mine drainage problems, the acidic runoff has left a major segment of our Nation's river, the Potomac River, virtually devoid of life. Much of the North Branch of the Potomac, from its headwaters near Kempton, MD, to the Jennings Randolph Lake, is biologically dead. Nearly 700 miles of the North Branch's streams are currently incapable of supporting fish and other aquatic life because of the drainage. Along this stretch of the Potomac there are over 4,000 acres of abandoned mine lands, including the worst offender, Kempton Mines, which discharges approximately 3 million gallons of abandoned mine drainage each day.

The Surface Mining Control and Reclamation Act of 1977 [SMCRA] established a regulatory program for current mining activities requiring land reclamation and control of acid drainage at active mine sites to assure that today's mines do not become tomorrow's abandoned mines. It also established an abandoned mine land reclamation [AML] fund, paid for by a fee imposed on current mining production, to address problems caused by abandoned coal mines. Current law and regulations require that priority be placed on alleviating public health and safety problems posed by abandoned mine lands. However, States are authorized to set aside up to 10 percent of their allocations under the AML fund annually into a special account for addressing adverse environmental effects caused by abandoned mine acid drainage. These funds are insufficient to clean up the acid mine drainage problems.

My bill would provide greater flexibility for States to use existing abandoned mine reclamation funds for acid mine drainage, as well as health and safety problems. Specifically, it would increase from 10 to 30 percent, or $1 million, whichever is greater, the portion of a State's AML funds that could be set aside for addressing environmental problems caused by acid drainage.

Mr. President, great progress has been made in restoring the health of America's rivers in the 3 decades since President Lyndon Johnson vowed to make the Potomac a national model for restoring the Nation's waters. Today, much of the Potomac is a haven for fish and wildlife and provides tremendous recreational and economic opportunities. However, the North Branch of the Potomac remains in marked contrast to these improvements. The States of Maryland and West Virginia and the Interstate Commission on the Potomac River Basin have been working together in a cooperative effort to restore the North Branch's health, thereby improving the quality of life and opening new opportunities for economic development, tourism and outdoor recreation. Unfortunately, the job cannot be accomplished without the assistance made available under this legislation. The North Branch of the Potomac is only one of many areas that could greatly benefit from improved environmental conditions made possible by this measure.

I urge my colleagues to join me in supporting this bill in order to provide States with the flexibility and additional resources needed to better address environmental problems associated with acid mine drainage.

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

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

S. 1479

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Acid Mine Drainage Abatement Act of 1995''.

SEC. 2. ACID MINE DRAINAGE.

Section 402(g) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232(g)) is amended—

(1) in paragraph (6)—

(A) by striking ''either'' and all that follows through ''trust fund'' and inserting ''a special trust fund''; and

(B) by striking ''1995,'' and all that follows through the end of the paragraph and inserting ''1995.''; and

(2) by striking paragraph (7) and inserting the following:

''(7)(A) Any State may receive and retain, without regard to the 3-year limitation referred to in paragraph (1)(D), amounts up to the greater of $1,000,000 or 30 percent of the total of the grants made annually to the State under this subsection if the amounts are deposited in an acid mine drainage abatement and treatment fund established under State law under which the amounts (together with all interest earned on the amounts) are expended by the State to undertake acid mine drainage abatement and treatment projects.

''(B) A project that is funded out of an acid mine drainage abatement and treatment fund under subparagraph (A) shall provide for the abatement of the causes of the treatment of the effects of acid mine drainage from lands and waters that are eligible under section 404.''.

ADDITIONAL COSPONSORS

S. 953

At the request of Mr. CHAFEE, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 953, a bill to require the Secretary of the Treasury to mint coins in commemoration of black revolutionary war patriots.

S. 969

At the request of Mr. BRADLEY, the names of the Senator from Iowa [Mr. GRASSLEY] and the Senator from North Carolina [Mr. HELMS] were added as cosponsors of S. 969, a bill to require that health plans provide coverage for a minimum hospital stay for a mother and child following the birth of the child, and for other purposes.

S. 1212

At the request of Mr. COATS, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 1212, a bill to provide for the establishment of demonstration projects designed to determine the social, civic, psychological, and economic effects of providing to individuals and families with limited means an opportunity to accumulate assets, and to determine the extent to which an asset-based welfare policy may be used to enable individuals and families with low income to achieve economic self-sufficiency.

S. 1251

At the request of Mr. HATFIELD, the names of the Senator from Hawaii [Mr. INOUYE], the Senator from Illinois [Mr. SIMON], the Senator from Nebraska [Mr. KERRY], and the Senator from Maryland [Ms. MIKULSKI] were added as cosponsors of S. 1251, a bill to establish a National Fund for Health Research to expand medical research programs through increased funding provided to the National Institutes of Health, and for other purposes.

S. 1344

At the request of Mr. HEFLIN, the name of the Senator from Arkansas [Mr. PRYOR] was added as a cosponsor of S. 1344, a bill to repeal the requirement relating to specific statutory authorization for increases in judicial salaries, to provide for automatic annual increases for judicial salaries, and for other purposes.

S. 1470

At the request of Mr. MCCAIN, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of S. 1470, a bill to amend title II of the Social Security Act to provide for increases in the amounts of allowable earnings under the Social Security earnings limit for individuals who have attained retirement age, and for other purposes.

AMENDMENTS SUBMITTED

THE FOREIGN RELATIONS REVITALIZATION ACT OF 1995

HELMS (AND KERRY) AMENDMENT NO. 3100

Mr. HELMS (for himself and Mr. KERRY) proposed an amendment to the bill (S. 908) to authorize appropriations for the Department of State for fiscal years 1996 through 1999 and to abolish the United States Information Agency, the United States Arms Control and Disarmament Agency, and the Agency for International Development, and for other purposes; as follows:

On page 27, strike lines 4 through 13.

On page 27, line 14, strike ''(e)'' and insert ''(c)''.

On page 28, line 7, strike ''(f)'' and insert ''(d)''.

On page 28, line 9, strike ''(a) through (c)'' and insert ''(a) and (b)''.

Beginning on page 46, strike line 21 and all that follows before line 15 on page 50.

On page 58, line 18, strike ''that effectively'' and insert ''designed to''.

On page 58, line 25, strike ''that'' and insert ''designed to''.

On page 59, line 6, insert ''relevant'' after ''other''.

On page 61, line 21, strike ''15'' and insert ''5''.

On page 61, line 22, strike ''authorize'' and insert ''initiate, expand, or modify''.

On page 61, line 24, strike the parenthesis and all that follows through the parenthesis on page 62, line 2.

On page 62, line 17, strike ''15'' and insert ''5''.

Beginning on page 69, strike line 1 and all that follows through line 5 on page 73 and insert the following:

SEC. 216. RESTRICTIONS ON INTELLIGENCE SHARING WITH THE UNITED NATIONS.

The United Nations Participation Act of 1945 (22 U.S.C. 287 et seq.) is amended by adding at the end the following new section:

''SEC. 12. RESTRICTIONS ON INTELLIGENCE SHARING WITH THE UNITED NATIONS.

''(a) PROVISION OF INTELLIGENCE INFORMATION TO THE UNITED NATIONS.—(1) No United States intelligence information may be provided to the United Nations or any organization affiliated with the United Nations, or to any officials or employees thereof, unless the President certifies to the appropriate committees of Congress that the Director of Central Intelligence (in this section referred to as the 'DCI'), in consultation with the Secretary of State and the Secretary of Defense, has established and implemented procedures, and has worked with the United Nations to ensure implementation of procedures, for protecting from unauthorized disclosure United States intelligence sources and methods connected to such information.

''(2) Paragraph (1) may be waived upon written certification by the President to the appropriate committees of Congress that providing such information to the United Nations or an organization affiliated with the United Nations, or to any officials or employees thereof, is in the national security interests of the United States.

''(b) PERIODIC AND SPECIAL REPORTS.—(1) The President shall report semiannually to the Select Committee on Intelligence and the Committee on Foreign Relations of the Senate and the Permanent Select Committee on Intelligence and the Committee on International Relations of the House of Representatives on the types and volume of intelligence provided to the United Nations and the purposes for which it was provided during the period covered by the report. The President shall also report to the Select Committee on Intelligence and the Committee on Foreign Relations of the Senate and the Permanent Select Committee on Intelligence and the Committee on International Relations of the House of Representatives within 15 days after it has become known to the United States Government that there has been an unauthorized disclosure of intelligence provided by the United States to the United Nations.

''(2) The requirement for periodic reports under the first sentence of paragraph (1) shall not apply to the provision of intelligence that is provided only to, and for the use of, appropriately cleared United States Government personnel serving with the United Nations.

''(c) DELEGATION OF DUTIES.—The President may not delegate or assign the duties of the President under this section.

''(d) RELATIONSHIP TO EXISTING LAW.—Nothing in this section shall be construed to—

''(1) impair or otherwise affect the authority of the Director of Central Intelligence to protect intelligence sources and methods from unauthorized disclosure pursuant to section 103(c)(5) of the National Security Act of 1947 (50 U.S.C. 403–3(c)(5)); or

''(2) supersede or otherwise affect the provisions of title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.).

''(e) DEFINITION.—As used in this section, the term 'appropriate committees of Congress' means the Select Committee on Intelligence and the Committee on Foreign Relations of the Senate and the Permanent Select Committee on Intelligence and the Committee on International Relations of the House of Representatives.''.

Beginning on page 73, strike line 6 and all that follows through line 5 on page 74.

On page 74, line 6, strike ''**SEC. 218.**'' and insert ''**SEC. 217.**''.

On page 75, line 13, strike ''**SEC. 219.**'' and insert ''**SEC. 218.**''.

On page 77, line 14, strike ''**SEC. 220.**'' and insert ''**SEC. 219.**''.

On page 84, strike lines 23 and 24.

On page 85, line 1, strike ''(2)'' and insert ''(1)''.

On page 85, line 3, strike ''(3)'' and insert ''(2)''.

On page 85, line 4, strike ''(4)'' and insert ''(3)''.

On page 85, line 6, strike ''(5)'' and insert ''(4)''.

Beginning on page 87, strike line 8 and all that follows through line 17 on page 88 and insert the following:

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Human Rights Committee established under the International Covenant on Civil and Political Rights should revoke its General Comment No. 24 adopted on November 2, 1994.

On page 93, line 19, strike ''$10,000,000'' and insert ''$20,000,000''.

Beginning on page 108, strike line 13 and all that follows through line 3 on page 109.

On page 109, strike line 4 through 14 and insert the following:

SEC. 604. AUTHORIZED PAYMENTS.

(a) PAYMENT OF LETTERS OF CREDIT.—(1) In addition to licenses required to be issued under section 575.510 of title 31, Code of Federal Regulations, the Secretary of the Treasury shall direct that licenses be issued to permit payments, as certified under subsection (b), from blocked Iraqi accounts involving an irrevocable letter of credit issued or confirmed by a foreign bank for the benefit of a United States person of amounts owed to such person with respect to goods or services lawfully exported to Iraq before August 2, 1990, whether or not such letter was confirmed by a United States bank.

(2) Licenses shall be issued under paragraph (1) not later than 120 days after the date on which the Foreign Claims Settlement Commission certifies an award pursuant to subsection (b).

(3) Payments made in compliance with this subsection or any regulation, order, instruction, or issued under this section, shall, to the extent of such payment, fully acquit and discharge for all purposes the obligation of the person making the payment. No person may be held liable for or with respect to anything done or omitted in good faith pursuant to and in reliance on this section or any such regulation, order, instruction, or direction.

(b) DETERMINATION OF CLAIMS.—(1) The Foreign Claims Settlement Commission of the United States is authorized to receive and determine the validity of any claims of United States persons against the Government of Iraq (including its agencies, instrumentalities, and controlled entities).

(2) The Foreign Claims Settlement Commission shall certify awards under this subsection to the Secretary of the Treasury not later than 270 days after the date of enactment of this Act.

(c) VESTING AUTHORITY.—The President is authorized to vest and liquidate as much of the assets of the Government of Iraq in the United States that have been blocked pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et. seq.) as may be necessary to satisfy claims under subsections (a) and (b).

(d) DEFINITIONS.—For purposes of this section:

(1) BLOCKED IRAQI ACCOUNTS.—The term ''blocked Iraqi accounts'' means funds on deposit in United States financial institutions in which the Government of Iraq has an interest and which were blocked under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) on or after August 2, 1990.

(2) UNITED STATES PERSON.—The term ''United States person'' means a person subject to the jurisdiction of the United States, including—

(A) any person, wherever located, who is a citizen or resident of the United States,

(B) any person actually within the United States,

(C) any corporation organized under the laws of the United States or of any State, territory, possession, or district of the United States, and

(D) any partnership, association, corporation, or other organization wherever organized or doing business which is owned or controlled by persons described in subparagraph (A), (B), or (C),

and does not include the United States Government or any officer or employee thereof acting in an official capacity.

Beginning on page 125, strike line 7 and all that follows through line 11 on page 127 and insert the following:

SEC. 1002. PURPOSES.

The purposes of this division are—

(1) to reorganize and reinvent the foreign affairs agencies of the United States in order to enhance the formulation, coordination, and implementation of United States foreign policy;

(2) to streamline and consolidate the functions and personnel of the Department of State, the Agency for International Development, the United States Information Agency, and the United States Arms Control and Disarmament Agency in order to eliminate redundancies in the functions and personnel of such agencies;

(3) to assist congressional efforts to balance the Federal budget and reduce the Federal debt;

(4) to ensure that the United States maintain adequate representation abroad within budgetary restraints;

(5) to ensure that programs critical to the promotion of United States national interests be maintained;

(6) to strengthen the authority of United States ambassadors over all United States Government personnel and resources located in United States diplomatic missions in order to enhance the ability of the ambassadors to deploy such personnel and resources to the best effect to attain the President's foreign policy objectives;

(7) to encourage United States foreign affairs agencies to maintain a high percentage of the best qualified, most competent United States citizens serving in the United States Government while downsizing significantly the total number of people employed by such agencies; and

(8) to ensure that all functions of United States diplomacy be subject to recruitment, training, assignment, promotion, and egress based on common standards and procedures while preserving maximum interchange among such functions.

On page 127, line 16, strike ''(a) SECRETARY OF STATE.—''.

Beginning on page 128, strike line 5 and all that follows through line 2 on page 169 and insert the following:

SEC. 1102. ASSUMPTION OF DUTIES BY INCUMBENT APPOINTEES.

An individual holding an office immediately prior to the date of enactment of this Act—

(1) who was appointed to the office by the President, by and with the advice and consent of the Senate; and

(2) who performs duties substantially similar to the duties of an office proposed to be created under a reorganization plan submitted under section 1501,

may, in the discretion of the Secretary of State, assume the duties of such new office, and shall not be required to be reappointed by reason of the implementation of the reorganization plan.

On page 169, line 3, strike ''**SEC. 1109.**'' and insert ''**SEC. 1103.**''.

Beginning on page 171, strike line 17 and all that follows through line 2 on page 172.

On page 172, line 3, strike ''(g)'' and insert ''(f)''.

On page 172, line 8, strike ''(h)'' and insert ''(g)''.

On page 172, line 11, strike ''(i)'' and insert ''(h)''.

Beginning on page 173, strike line 6 and all that follows through line 21 on page 174.

On page 184, strike lines 17 through 22 and insert the following:

''shall take effect only in the event of the abolition of the independent foreign affairs agencies specified in section 1501(e)''.

Beginning on page 209, strike line 22 and all that follows through line 3 on page 210 and insert the following:

''shall take effect only in the event of the abolition of the independent foreign affairs agencies specified in section 1501(e)''.

Beginning on page 215, strike line 15 and all that follows through line 9 on page 221 and insert the following:

''shall take effect only in the event of the abolition of the independent foreign affairs agencies specified in section 1501(e).

TITLE XV—PLANS FOR CONSOLIDATION AND REINVENTION OF FOREIGN AFFAIRS AGENCIES

SEC. 1501. REORGANIZATION OF THE DEPARTMENT OF STATE AND THE INDEPENDENT FOREIGN AFFAIRS AGENCIES.

(a) SUBMISSION OF REORGANIZATION PLANS.—

(1) IN GENERAL.—The President is authorized to transmit to the appropriate congressional committees a reorganization plan or plans providing for the streamlining, consolidation, and merger of the functions of the foreign affairs agencies of the United States in order to carry out the purposes of section 1002.

(2) SPECIFIC OBJECTIVES.—Pursuant to paragraph (1), the President is authorized to transmit a reorganization plan meeting the following objectives:

(A) The elimination in the duplication of functions and personnel between the Department of State and the independent foreign affairs agencies, which may include the abolition of any such agency.

(B) The reduction in the aggregate number of positions in the Department of State and the independent foreign affairs agencies which are classified at each of levels II, III, and IV of the Executive Schedule.

(C) The reorganization and streamlining of the Department of State.

(D) The achievement of $1,700,000,000 in savings over 5 years through the streamlining, consolidation, and merger of the functions of the foreign affairs agencies.

(E) The enhancement of the formulation, coordination, and implementation of policy.

(F) The maintenance, to the maximum extent possible, of a United States diplomatic and consular presence abroad.

(G) The maintenance of programs vital to the national interests of the United States.

(b) PLAN ELEMENTS.—A reorganization plan transmitted under subsection (a)(2), consistent with the provisions of this Act, shall—

(1) identify the functions of the independent foreign affairs agency or agencies that will be transferred to the Department of State or any other agency under the plan, as well as those that may be abolished under the plan;

(2) identify the personnel and positions of the agency or agencies (including civil service personnel, Foreign Service personnel, and detailees) that will be transferred to the Department or any other agency, separated from service with the agency or agencies, or be terminated under the plan, and set forth a schedule for such transfers, separations, and terminations;

(3) identify the personnel and positions of the Department (including civil service personnel, Foreign Service personnel, and detailees) that will be transferred within the Department or any other agency, separated from service with the Department, or terminated under the plan and set forth a schedule for such transfers, separations, and terminations;

(4) specify the consolidations, mergers, and reorganization of functions of the Department that will be required under the plan in order to permit the Department to carry out the functions transferred to the Department under the plan;

(5) specify the funds available to the independent foreign affairs agency or agencies that will be transferred to the Department or any other agency under this Act as a result of the implementation of the plan;

(6) specify the proposed allocations within the Department of the funds specified for transfer under paragraph (5);

(7) specify the proposed disposition of the property, facilities, contracts, records, and other assets and liabilities of the independent foreign affairs agency or agencies resulting from the abolition of any such agency and the transfer of the functions of the independent foreign affairs agencies to the Department or to any other agency;

(8) specify a proposed consolidation of administrative functions to serve the Department of State and all independent foreign affairs agencies; and

(9) contain a certification by the Director of the Office of Management and Budget that the Director estimates that the plan will save $1,700,000,000 in budget authority during fiscal years 1996 through 2000 from the initial level appropriated for fiscal year 1995 for the following agencies (including appropriations made to accounts administered by such agencies): the Department of State, the United States Information Agency, the United States Agency for International Development, and the United States Arms Control and Disarmament Agency.

(c) LIMITATIONS.—

(1) LIMITATION ON REDUCTIONS IN PROGRAM LEVELS.—Not more than 30 percent of the savings required under subsection (b)(9) may be realized from reductions in program levels.

(2) LIMITATION ON SAVINGS FROM ADMINISTRATIVE EXPENSES OF THE DEPARTMENT OF STATE.—Not more than 15 percent of the savings required under subsection (b)(9) may come from the administrative expenses of the Department of State.

(3) LIMITATIONS ON CONTENTS OF PLAN.—Sections 1606 and 1607 of this Act shall apply to a plan transmitted under subsection (a).

(d) EFFECTIVE DATE OF PLAN.—(1) A plan transmitted under subsection (a) shall become effective on a date which is 90 calendar days of continuous session of Congress after the date on which the plan is transmitted to Congress, unless the Congress enacts a joint resolution, in accordance with section 1608, disapproving the plan.

(2) Any provision of a plan submitted under subsection (a) may take effect later than the date on which the plan becomes effective.

(e) ABOLITION OF SPECIFIED INDEPENDENT FOREIGN AFFAIRS AGENCIES.—If the President does not transmit to Congress within six months after the date of enactment of this Act a reorganization plan meeting the objectives of subsection (a)(2), then the United States Arms Control and Disarmament Agency, the United States Information Agency, the Agency for International Development, and the International Development Cooperation Agency (exclusive of components expressly established by statute or reorganization plan) shall be abolished six months after the expiration of the period for submission of the plan, and the functions of such agencies shall be transferred in accordance with section 1601.

(f) DEFINITIONS.—As used in this section—

(1) the term ''foreign affairs agencies'' means the Department of State and the independent foreign affairs agencies; and

(2) the term ''independent foreign affairs agencies'' means such Federal agencies (other than the Department of State) that solely perform functions that are funded under major budget category 150 and includes the United States Arms Control and Disarmament Agency, the United States Information Agency, the Agency for International Development, and the International Development Cooperation Agency.

On page 221, line 10, strike ''**TITLE XVII**'' and insert ''title xvi''.

On page 221, line 12, strike ''**SEC. 1701.**'' and insert ''**SEC. 1601.**''.

On page 223, line 20, strike ''**SEC. 1702.**'' and insert ''**SEC. 1602.**''.

On page 224, line 2, strike ''**SEC. 1701.**'' and insert ''**SEC. 1601.**''.

On page 224, line 12, strike ''**SEC. 1701.**'' and insert ''**SEC. 1601.**''.

On page 224, line 13, strike ''**SEC. 1703.**'' and insert ''**SEC. 1603.**''.

On page 224, lines 16 and 17, strike ''Not later than March 1, 1997,'' and insert ''In the event of the abolition of the independent foreign affairs agencies specified in section 1501(e), not later than 90 days before their abolition,''.

On page 226, lines 23 through 25, strike ''the date Congress enacts a joint resolution, in accordance with section 1708, approving the plan'' and insert ''the date which is 90 calendar days of continuous session of Congress after the date on which the plan is transmitted to Congress, unless the Congress enacts a joint resolution, in accordance with section 1608, disapproving the plan''.

On page 227, line 1, strike ''The'' and insert ''In implementation of any plan submitted under subsection (a), the''.

On page 227, line 3, after ''necessary'' insert '', including actions''.

On page 227, line 13, strike ''February 28, 1997'' and insert ''the effective date of the plan submitted under subsection (a)''.

On page 227, line 25, strike ''**SEC. 1708.**'' and insert ''**SEC. 1608.**''.

On page 228, line 9, strike ''**SEC. 1704.**'' and insert ''**SEC. 1604.**''.

On page 228, lines 11 and 12, strike ''Not later than March 1, 1997,'' and insert ''In the event of the abolition of the independent foreign affairs agencies specified in section 1501(e), not later than 90 days before their abolition,''.

On page 229, line 1, strike ''1701(b) and 1701 (d)(1)'' and insert ''1601(b) and 1601(d)(1)''.

On page 230, lines 23 through 25, strike ''the date Congress enacts a joint resolution, in accordance with section 1708, approving the plan'' and insert ''the date which is 90 calendar days of continuous session of Congress after the date on which the plan is transmitted to Congress, unless the Congress enacts a joint resolution, in accordance with section 1608, disapproving the plan''.

On page 231, line 2, after ''(2),'' insert the following: ''in implementation of any plan submitted under subsection (a),''.

On page 231, line 3, after ''necessary'' insert '', including actions''.

On page 231, line 13, strike ''February 28, 1997'' and insert ''the effective date of the plan submitted under subsection (a)''.

On page 232, line 7, strike ''1708'' and insert ''1608''.

On page 232, line 16, strike ''**SEC. 1705.**'' and insert ''**SEC. 1605.**''.

On page 232, lines 18 and 19, strike ''Not later than March 1, 1997,'' and insert ''In the event of the abolition of the independent foreign affairs agencies specified in section 1501(e), not later than 90 days before their abolition,''.

On page 233, line 7, strike ''1701(c) and 1701(d)(2)'' and insert ''1601(c) and 1601(d)(2)''.

On page 235, lines 5 through 7, strike ''the date Congress enacts a joint resolution, in accordance with section 1708, approving the plan'' and insert ''the date which is 90 calendar days of continuous session of Congress after the date on which the plan is transmitted to Congress, unless the Congress enacts a joint resolution, in accordance with section 1608, disapproving the plan''.

On page 235, line 9, after ''(2),'' insert the following: ''in implementation of any plan submitted under subsection (a),''.

On page 235, line 10, after ''necessary'' insert '', including actions''.

On page 235, line 20, strike ''February 28, 1997'' and insert ''the effective date of the plan submitted under subsection (a)''.

On page 236, line 13, strike ''1708'' and insert ''1608''.

On page 237, line 16, strike ''or''.

On page 237, line 18, strike the period and insert ''; or''.

On page 237, between lines 18 and 19, insert the following:

(6) terminating any function authorized by law.

On page 237, line 1, strike ''**SEC. 1706.**'' and insert ''**SEC. 1606.**''.

On page 237, line 4, strike ''1703, 1704, or 1705'' and insert ''1501, 1603, 1604, or 1605''.

On page 238, line 14, strike ''1703, 1704, or 1705'' and insert ''1501, 1603, 1604, or 1605''.

On page 238, between lines 16 and 17, insert the following new subsection:

(d) TRANSMITTAL OF REORGANIZATION PLANS.—Section 903(b) of title 5, United States Code, shall apply to each reorganization plan submitted under section 1501, 1603, 1604, or 1605.

On page 238, line 17, strike ''**SEC. 1707.**'' and insert ''**SEC. 1607.**''.

On page 238, line 21, strike ''1703, 1704, or 1705'' and insert ''1501, 1603, 1604, or 1605''.

On page 238, line 24, strike ''1708'' and insert ''1608''.

On page 239, line 3, strike ''1703, 1704, or 1705'' and insert ''1501, 1603, 1604, or 1605''.

On page 239, line 7, strike ''1708'' and insert ''1608''.

On page 239, line 10, after Congress, insert the following: '', except that the President may only withdraw a plan if a revised plan is immediately substituted for that plan''.

On page 239, line 11, strike ''**SEC. 1708.**'' and insert ''**SEC. 1608.**''.

On page 239, line 13, insert ''(1)'' immediately after ''(a) PROCEDURES.—''.

On page 239, between lines 17 and 18, insert the following:

(2) For purposes of this title and title XV—

(A) continuity of session of Congress is broken only by an adjournment of Congress sine die; and

(B) the days on which either House is not in session because of an adjournment of more than 3 days to a day certain are excluded in the computation of any period of time in which Congress is in continuous session.

On page 239, line 21, strike ''approves'' and insert ''disapproves''.

On page 240, line 2, strike ''1707'' and insert ''1607''.

On page 240, strike line 5 through 19 and insert the following:

(c) INTRODUCTION AND REFERENCE OF RESOLUTION.—(1) A joint resolution described in subsection (b) is only entitled to expedited procedures set forth in this section if the resolution is introduced in a House of Congress by a Member of that House within 10 calendar days of continuous session of Congress of the transmittal of a reorganization plan under section 1501, 1603, 1604, or 1605.

On page 240, line 20, strike ''A'' and insert ''Any''.

On page 240, line 23, strike ''(and all resolutions'' and all that follows through ''committee)'' on line 25.

On page 241, strike lines 6 through 16 and insert the following:

(d) MOTION TO DISCHARGE COMMITTEE CONSIDERING RESOLUTION.—(1) If the committee to which is referred a resolution introduced pursuant to paragraph (1) of subsection (c) has not reported such resolution at the end of 30 calendar days of continuous session of Congress after its introduction, it shall be in

order to move either to discharge the committee from further consideration of the resolution or to discharge the committee from further consideration of any other resolution introduced with respect to the same plan which has been referred to the committee, except that no motion to discharge shall be in order after the committee has reported a resolution with respect to the same plan.

(2) A motion to discharge under paragraph (1) may be made only by a Senator favoring the resolution, is privileged, and debate thereon shall be limited to not more than 1 hour, to be divided equally between those favoring and those opposing the resolution, the time to be divided equally between, and controlled by, the majority leader and the minority leader or their designees. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

On page 241, lines 19 and 20, strike ''deemed to be''.

On page 243, line 25, strike ''1703, 1704, or 1705'' and insert ''1501, 1603, 1604, or 1605''.

On page 244, line 10, strike ''**SEC. 1709.**'' and insert ''**SEC. 1609.**''.

On page 246, line 22, strike ''1710'' and insert ''1610''.

On page 247, line 10, strike ''1710'' and insert ''1610''.

On page 247, line 16, strike ''1710'' and insert ''1610''.

On page 250, line 3, strike ''**SEC. 1710.**'' and insert ''**SEC. 1610.**''.

On page 251, line 9, strike ''1709'' and insert ''1609''.

On page 252, line 1, strike ''**SEC. 1711.**'' and insert ''**SEC. 1611.**''.

On page 255, line 3, strike ''**SEC. 1712.**'' and insert ''**SEC. 1612.**''.

On page 257, line 3, strike ''**SEC. 1713.**'' and insert ''**SEC. 1613.**''.

On page 258, line 8, strike ''**SEC. 1714.**'' and insert ''**SEC. 1614.**''.

On page 258, line 19, strike ''**SEC. 1715.**'' and insert ''**SEC. 1615.**''.

On page 258, line 23, strike ''1701'' and insert ''1601''.

On page 259, line 1, strike ''1701'' and insert ''1601''.

On page 259, line 9, strike ''**SEC. 1716.**'' and insert ''**SEC. 1616.**''.

On page 259, line 17, strike ''**SEC. 1717.**'' and insert ''**SEC. 1617.**''.

On page 260, line 6, strike ''**SEC. 1718.**'' and insert ''**SEC. 1618.**''.

On page 261, line 17, strike ''**SEC. 1719.**'' and insert ''**SEC. 1619.**''.

On page 262, line 4, strike ''1701'' and insert ''1601''.

On page 263, line 8, strike ''1701'' and insert ''1601''.

On page 264, line 1, strike ''**SEC. 1720.**'' and insert ''**SEC. 1620.**''.

On page 264, line 6, strike ''**SEC. 1721.**'' and insert ''**SEC. 1621.**''.

On page 264, line 15, strike ''**SEC. 1722.**'' and insert ''**SEC. 1622.**''.

On page 264, line 22, strike ''**SEC. 1723.**'' and insert ''**SEC. 1623.**''.

On page 265, line 2, before the period insert the following: '', and a projection of the personnel end-strengths of the Foreign Service and the Senior Foreign Service as of September 30, 1999''.

On page 265, line 3, strike ''**SEC. 1724.**'' and insert ''**SEC. 1624.**''.

On page 265, line 21, strike ''1701'' and insert ''1601''.

On page 265, line 24, strike ''1701'' and insert ''1601''.

On page 266, line 3, strike ''1701'' and insert ''1601''.

On page 266, line 6, strike ''1701'' and insert ''1601''.

On page 266, line 12, strike ''1701'' and insert ''1601''.

On page 266, line 16, strike ''1701'' and insert ''1601''.

On page 266, line 20, strike ''1701'' and insert ''1601''.

On page 266, line 25, strike ''1701'' and insert ''1601''.

On page 267, line 3, strike ''1701'' and insert ''1601''.

On page 267, line 7, strike ''1701'' and insert ''1601''.

On page 267, line 11, strike ''1701'' and insert ''1601''.

On page 267, line 15, strike ''1701'' and insert ''1601''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Thursday, December 14, 1995, for purposes of conducting a full committee hearing which is scheduled to begin at 9:30 a.m. The purpose of this hearing is to consider S. 1271, the Nuclear Waste Policy Act of 1995.

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

COMMITTEE ON FINANCE

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Finance be permitted to meet Thursday, December 14, 1995, beginning at 10 a.m. in room SD–215, to conduct a mark up on the Social Security Earnings Limit and on two nominees pending before the Committee.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, December 14, 1995 at 2 p.m.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. STEVENS. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Thursday, December 14, for a hearing on Federal Government Financial Management.

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

COMMITTEE ON THE JUDICIARY

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to hold a business meeting during the session of the Senate on Thursday, December 14, 1995 at 10 a.m. in SD 226.

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

COMMITTEE ON RULES AND ADMINISTRATION

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate Committee on Rules and Administration be allowed to meet during the session of the Senate Thursday, December 14, 1995 beginning at 9:30 a.m. until business is completed, to conduct a mark up of H.J. Res. 69, H.J. Res. 110, H.J. Res. 111, and H.J. Res. 112—Smithsonian Institution Board of Regents citizen appointments, S. 246, Martin Luther King Memorial legislation; H.R. 2527, FEC legislation and S. Con. Res. 34, a resolution to authorize the printing of ''Vice Presidents of the United States, 1789–1993.'' The Committee will also consider a Senate Internet Policy.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. STEVENS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence by authorized to meet during the session of the Senate on Thursday, December 14, 1995 at 2 p.m. to hold a closed briefing regarding intelligence matters.

The PRESIDING OFFICER. Without objection it is so ordered.

ADDITIONAL STATEMENTS

SENATE QUARTERLY MAIL COSTS

• Mr. WARNER. Mr. President, in accordance with section 318 of Public Law 101–520 as amended by Public Law 103–283, I am submitting the frank mail allocations made to each Senator from the appropriation for official mail expenses and summary tabulations of Senate mass mail costs for the second and third quarters of fiscal year 1995 to be printed in the RECORD. These reports were not submitted for the RECORD at the appropriate time. The official mail allocations are available for frank mail costs, as stipulated in Public Law 103–283, the Legislative Branch Appropriations Act for fiscal year 1995. The second quarter of fiscal year 1995 covers the period of January 1, 1995, through March 31, 1995, and the third quarter covers the period of April 1, 1995, through June 30, 1995.

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

SENATE QUARTERLY MASS MAIL VOLUMES AND COSTS FOR THE QUARTER ENDING 03/31/95

Senators	Total pieces	Pieces per capita	Total cost	Cost per capita	Fiscal year 1995 official mail allocation
Abraham	600	0.00006	$218.90	$0.00002	$140,289
Akaka	0	0	0.00	0	29,867
Ashcroft	0	0	0.00	0	83,043
Baucus	0	0	0.00	0	34,694
Bennett	0	0	0.00	0	30,689
Biden	0	0	0.00	0	28,591
Bingaman	0	0	0.00	0	30,834
Bond	0	0	0.00	0	108,312
Boxer	15,805	0.00051	5,856.86	0.00019	582,722
Bradley	0	0	0.00	0	151,392
Breaux	0	0	0.00	0	82,088
Brown	0	0	0.00	0	74,406
Bryan	0	0	0.00	0	45,030
Bumpers	0	0	0.00	0	48,743
Burns	0	0	0.00	0	34,694
Byrd	0	0	0.00	0	34,593
Campbell	0	0	0.00	0	74,406
Chafee	0	0	0.00	0	30,524
Coats	0	0	0.00	0	111,738
Cochran	0	0	0.00	0	48,596
Cohen	6,898	0.00559	2,722.62	0.00220	37,937
Conrad	58,800	0.09245	10,837.38	0.01704	25,438
Coverdell	0	0	0.00	0	137,674
Craig	0	0	0.00	0	31,846
D'Amato	0	0	0.00	0	335,341

SENATE QUARTERLY MASS MAIL VOLUMES AND COSTS FOR THE QUARTER ENDING 03/31/95—Continued

Senators	Total pieces	Pieces per capita	Total cost	Cost per capita	Fiscal year 1995 official mail allocation
Daschle	0	0	0.00	0	27,650
DeWine	0	0	0.00	0	168,128
Dodd	0	0	0.00	0	66,615
Dole	0	0	0.00	0	51,907
Domenici	1,000	0.00063	226.53	0.00014	30,834
Dorgan	62,500	0.09827	11,191.75	0.01760	25,438
Exon	0	0	0.00	0	32,516
Faircloth	0	0	0.00	0	140,612
Feingold	0	0	0.00	0	97,556
Feinstein	0	0	0.00	0	582,722
Ford	0	0	0.00	0	74,054
Frist	0	0	0.00	0	78,686
Glenn	0	0	0.00	0	219,288
Gorton	0	0	0.00	0	106,532
Graham	2,397	0.00018	1,940.83	0.00014	323,488
Gramm	16,000	0.00091	3,992.34	0.00023	352,339
Grams	0	0	0.00	0	67,423
Grassley	0	0	0.00	0	56,381
Gregg	35,256	0.03173	28,252.50	0.02543	34,552
Harkin	0	0	0.00	0	56,381
Hatch	0	0	0.00	0	30,689
Hatfield	0	0	0.00	0	62,019
Heflin	6,800	0.00164	1,207.20	0.00029	81,113
Helms	0	0	0.00	0	140,612
Hollings	0	0	0.00	0	72,302
Hutchison	0	0	0.00	0	352,339
Inhofe	0	0	0.00	0	52,475
Inouye	0	0	0.00	0	29,867
Jeffords	0	0	0.00	0	23,830
Johnston	0	0	0.00	0	82,088
Kassebaum	0	0	0.00	0	51,907
Kempthorne	0	0	0.00	0	31,846
Kennedy	0	0	0.00	0	121,391
Kerrey	0	0	0.00	0	32,516
Kerry	0	0	0.00	0	121,391
Kohl	0	0	0.00	0	97,556
Kyl	0	0	0.00	0	63,581
Lautenberg	0	0	0.00	0	151,392
Leahy	3,714	0.00652	1,082.36	0.00190	23,830
Levin	0	0	0.00	0	182,978
Lieberman	0	0	0.00	0	66,615
Lott	0	0	0.00	0	48,596
Lugar	0	0	0.00	0	111,738
Mack	0	0	0.00	0	323,488
McCain	0	0	0.00	0	82,928
McConnell	0	0	0.00	0	74,054
Mikulski	3,800	0.00077	866.55	0.00018	91,956
Moseley-Braun	0	0	0.00	0	216,454
Moynihan	0	0	0.00	0	335,341
Murkowski	0	0	0.00	0	23,179
Murray	5,558	0.00108	1,298.40	0.00025	106,532
Nickles	0	0	0.00	0	68,442
Nunn	0	0	0.00	0	137,674
Packwood	6,300	0.00212	1,469.89	0.00049	62,019
Pell	0	0	0.00	0	30,524
Pressler	0	0	0.00	0	27,650
Pryor	0	0	0.00	0	48,743
Reid	12,139	0.00915	6,607.64	0.00498	45,030
Robb	0	0	0.00	0	124,766
Rockefeller	61,850	0.03413	10,705.35	0.00591	34,593
Roth	0	0	0.00	0	28,591
Santorum	0	0	0.00	0	182,834
Sarbanes	0	0	0.00	0	91,956
Shelby	0	0	0.00	0	81,113
Simon	0	0	0.00	0	216,454
Simpson	0	0	0.00	0	19,826
Smith	0	0	0.00	0	34,552
Snowe	0	0	0.00	0	29,086
Specter	0	0	0.00	0	238,468
Stevens	0	0	0.00	0	23,179
Thomas	0	0	0.00	0	15,200
Thompson	0	0	0.00	0	94,111
Thurmond	0	0	0.00	0	72,302
Warner	0	0	0.00	0	124,766
Wellstone	0	0	0.00	0	87,939

SENATE QUARTERLY MASS MAIL VOLUMES AND COSTS FOR THE QUARTER ENDING 06/30/95

Senators	Total pieces	Pieces per capita	Total cost	Cost per capita	Fiscal year 1995 official mail allocation
Abraham	0	0.00000	$0.00	0.00000	$140,289
Akaka	0	0.00000	0.00	0.00000	29,867
Ashcroft	0	0.00000	0.00	0.00000	83,043
Baucus	1,532	0.00186	1,249.93	0.00152	34,694
Bennett	18,550	0.01023	3,275.70	0.00181	30,689
Biden	0	0.00000	0.00	0.00000	28,591
Bingaman	0	0.00000	0.00	0.00000	30,834
Bond	0	0.00000	0.00	0.00000	108,312
Boxer	15,405	0.00050	3,227.71	0.00010	582,722
Bradley	0	0.00000	0.00	0.00000	151,392
Breaux	1,625	0.00038	401.79	0.00009	82,088
Brown	0	0.00000	0.00	0.00000	74,406
Bryan	0	0.00000	0.00	0.00000	45,030
Bumbers	0	0.00000	0.00	0.00000	48,743
Burns	25,000	0.03034	4,811.82	0.00584	34,694
Byrd	0	0.00000	0.00	0.00000	34,593
Campbell	0	0.00000	0.00	0.00000	74,406
Chafee	0	0.00000	0.00	0.00000	30,524
Coats	0	0.00000	0.00	0.00000	111,738

SENATE QUARTERLY MASS MAIL VOLUMES AND COSTS FOR THE QUARTER ENDING 06/30/95—Continued

Senators	Total pieces	Pieces per capita	Total cost	Cost per capita	Fiscal year 1995 official mail allocation
Cochran	0	0.00000	0.00	0.00000	48,596
Cohen	667	0.00054	546.76	0.00044	37,937
Conrad	0	0.00000	0.00	0.00000	25,438
Coverdell	0	0.00000	0.00	0.00000	137,674
Craig	11,500	0.01078	2,542.72	0.00238	31,846
D'Amato	0	0.00000	0.00	0.00000	335,341
Daschle	0	0.00000	0.00	0.00000	27,650
DeWine	0	0.00000	0.00	0.00000	168,128
Dodd	851	0.00026	709.80	0.00022	66,615
Dole	0	0.00000	0.00	0.00000	51,907
Domenici	2,055	0.00130	550.98	0.00035	30,834
Dorgan	11,650	0.01832	2,146.29	0.00337	25,438
Exon	0	0.00000	0.00	0.00000	32,516
Faircloth	0	0.00000	0.00	0.00000	140,612
Feingold	0	0.00000	0.00	0.00000	97,556
Fienstein	0	0.00000	0.00	0.00000	582,722
Ford	0	0.00000	0.00	0.00000	74,054
Frist	0	0.00000	0.00	0.00000	78,686
Glenn	0	0.00000	0.00	0.00000	219,288
Gorton	181,460	0.03533	39,655.61	0.00772	106,532
Graham	0	0.00000	0.00	0.00000	323,488
Gramm	0	0.00000	0.00	0.00000	352,339
Grams	33,925	0.00757	8,698.24	0.00194	67,423
Grassley	0	0.00000	0.00	0.00000	56,381
Gregg	0	0.00000	0.00	0.00000	34,552
Harkin	0	0.00000	0.00	0.00000	56,381
Hatch	0	0.00000	0.00	0.00000	30,689
Hatfield	0	0.00000	0.00	0.00000	62,019
Heflin	0	0.00000	0.00	0.00000	81,113
Helms	0	0.00000	0.00	0.00000	140,612
Hollings	0	0.00000	0.00	0.00000	72,302
Hutchison	0	0.00000	0.00	0.00000	352,339
Inhofe	0	0.00000	0.00	0.00000	52,475
Inouye	0	0.00000	0.00	0.00000	29,867
Jeffords	0	0.00000	0.00	0.00000	23,830
Johnston	96,450	0.02250	17,923.62	0.00418	82,088
Kassebaum	0	0.00000	0.00	0.00000	51,907
Kempthorne	0	0.00000	0.00	0.00000	31,846
Kennedy	0	0.00000	0.00	0.00000	121,391
Kerrey	0	0.00000	0.00	0.00000	32,516
Kerry	0	0.00000	0.00	0.00000	121,391
Kohl	0	0.00000	0.00	0.00000	97,556
Kyl	0	0.00000	0.00	0.00000	63,581
Lautenberg	0	0.00000	0.00	0.00000	151,392
Leahy	1,410	0.00247	361.35	0.00063	23,830
Levin	0	0.00000	0.00	0.00000	182,978
Lieberman	0	0.00000	0.00	0.00000	66,615
Lott	0	0.00000	0.00	0.00000	48,596
Lugar	0	0.00000	0.00	0.00000	111,738
Mack	0	0.00000	0.00	0.00000	323,488
McCain	0	0.00000	0.00	0.00000	82,928
McConnell	0	0.00000	0.00	0.00000	74,054
Mikulski	0	0.00000	0.00	0.00000	91,956
Moseley-Braun	0	0.00000	0.00	0.00000	216,454
Moynihan	0	0.00000	0.00	0.00000	335,341
Murkowski	0	0.00000	0.00	0.00000	23,179
Murray	6,945	0.00135	1,649.73	0.00032	106,532
Nickles	0	0.00000	0.00	0.00000	68,442
Nunn	0	0.00000	0.00	0.00000	137,674
Packwood	18,300	0.00615	4,198.16	0.00141	62,019
Pell	0	0.00000	0.00	0.00000	30,524
Pressler	0	0.00000	0.00	0.00000	27,650
Pryor	0	0.00000	0.00	0.00000	48,743
Reid	1,015	0.00076	823.00	0.00062	45,030
Robb	0	0.00000	0.00	0.00000	124,766
Rockefeller	9,802	0.00541	6,368.58	0.00351	34,593
Roth	0	0.00000	0.00	0.00000	28,591
Santorum	0	0.00000	0.00	0.00000	182,834
Sarbanes	0	0.00000	0.00	0.00000	91,956
Shelby	0	0.00000	0.00	0.00000	81,113
Simon	0	0.00000	0.00	0.00000	216,454
Simpson	0	0.00000	0.00	0.00000	19,826
Smith	23,700	0.02133	4,607.24	0.00415	34,552
Snowe	0	0.00000	0.00	0.00000	29,086
Specter	0	0.00000	0.00	0.00000	238,468
Stevens	282,600	0.48143	45,559.29	0.07761	23,179
Thomas	3,619	0.00777	2,082.68	0.00447	15,200
Thompson	0	0.00000	0.00	0.00000	94,111
Thurmond	0	0.00000	0.00	0.00000	72,302
Warner	0	0.00000	0.00	0.00000	124,766
Wellstone	0	0.00000	0.00	0.00000	87,939•

DAUGHTERS OF MIRIAM CENTER'S 75TH ANNIVERSARY

• Mr. LAUTENBERG. Mr. President, I rise today to salute the upcoming 75th anniversary of Daughters of Miriam Center for the Aged in Clifton, NJ, a much beloved and honored institution that provides important health care services to New Jersey's elderly.

Mr. President, Daughters of Miriam Center was founded as a shelter for aged persons and orphaned children in the city of Paterson, where I grew up. Since its establishment in 1921, DMC has been inspired by its founder, Nathan Barnert, a former mayor of Paterson, whose public spiritedness and concern for the most vulnerable in society shaped the philosophy that has long guided DMC's programs.

Over 700 New Jersey residents each day benefit from the center's services. In addition to providing high quality medical care, Daughters of Miriam Center provides patients with a sense of community. The center's programs, such as medical day care for Alzheimer patients, congregate services, a respite program, and a sheltered workshop, bring warmth and purpose to participants' lives.

On a personal note, I would note that my own mother, as a nursing home resident, benefited greatly from the friendship and care offered at the center.

Mr. President, the anniversary of Daughters of Miriam Center is more than anything an opportunity to celebrate the people who have shaped this great institution—the doctors, nurses, staff, friends, and patients who have made the center what it is today. Their energy and commitment have helped make the center a leading facility for the care of the elderly on the east coast.

I ask my colleagues to join me today in congratulating Daughters of Miriam center for reaching an important milestone, and I wish the Center continued success in its valuable service to New Jersey and the Nation.•

AMENDING THE PUBLIC HEALTH SERVICE ACT

Mr. BOND. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of H.R. 1747, just received from the House.

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

The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1747) to amend the Public Health Service Act, to permanently extend and clarify malpractice coverage for health centers, and for other purposes.

Mr. BOND. I ask unanimous consent the bill be deemed read a third time, passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be placed at the appropriate place in the RECORD.

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

The bill (H.R. 1747) was deemed read three times and passed.

AMENDING THE DOUG BARNARD, JR. 1996 ATLANTA CENTENNIAL OLYMPIC GAMES COMMEMORATIVE COIN ACT

Mr. BOND. I ask unanimous consent the Banking Committee be discharged from further consideration of H.R. 2336, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2336) to amend the Doug Barnard, Jr. 1996 Atlanta Centennial Olympic Games Commemorative Coin Act, and for other purposes.

Mr. BOND. Mr. President, I ask unanimous consent the bill be deemed read a third time, passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be placed at the appropriate place in the RECORD.

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

The bill (H.R. 2336) was deemed read three times and passed.

POSSESSIONS AND TERRITORIES CRIMINAL LAW CLARIFICATION

Mr. BOND. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 243, S. 1332.

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

The clerk will report.

The legislative clerk read as follows:

A bill (S. 1332) to clarify the application of certain Federal criminal laws to territories, possessions and commonwealths, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Possessions and Territories Criminal Law Clarification Act''.

SEC. 2. APPLICATION OF VARIOUS OFFENSES TO POSSESSIONS AND TERRITORIES.

(a) Sections 241 and 242 of title 18, United States Code, are each amended by striking ''any State, Territory, or District'' and inserting ''any State, Territory, Commonwealth, Possession, or District''.

(b) Sections 793(h)(1) and 794(d)(1) of title 18, United States Code, are each amended by adding at the end the following: ''For the purposes of this subsection, the term 'State' includes a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.''.

(c) Section 925(a)(5) of title 18, United States Code, is amended by striking ''For the purpose of paragraphs (3) and (4)'' and inserting ''For the purpose of paragraph (3)''.

(d) Sections 1014 and 2113(g) of title 18, United States Code, are each amended by adding at the end the following: ''The term 'State-chartered credit union' includes a credit union chartered under the laws of a State of the United States, the District of Columbia, or any commonwealth, territory, or possession of the United States.''.

(e) Section 1073 of title 18, United States Code, is amended by adding at the end of the first paragraph the following: ''For the purposes of clause (3) of this paragraph, the term 'State' includes a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.''.

(f) Section 1715 of title 18, United States Code, is amended by striking ''State, Territory, or District'' each place those words appear and inserting ''State, Territory, Commonwealth, Possession, or District''.

(g) Section 1716 of title 18, United States Code, is amended—

(1) in subsection (g)(2) by striking ''State, Territory, or the District of Columbia'' and inserting ''State'';

(2) in subsection (g)(3) by striking ''the municipal government of the District of Columbia or of the government of any State or territory, or any county, city, or other political subdivision of a State'' and inserting ''any State, or any political subdivision of a State''; and

(3) by adding at the end the following:

''(j) For purposes of this section, the term 'State' includes a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.''.

(h) Section 1761 of title 18, United States Code, is amended by adding at the end the following new subsection:

''(d) For the purposes of this section, the term 'State' means a State of the United States and any commonwealth, territory, or possession of the United States.''.

(i) Section 3156(a) of title 18, United States Code, is amended—

(1) by striking ''and'' at the end of paragraph (3);

(2) by striking the period and inserting ''; and'' at the end of paragraph (4); and

(3) by adding at the end the following new paragraph:

''(5) the term 'State' includes a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.''.

(j) Section 102 of the Controlled Substances Act (21 U.S.C. 802) is amended—

(1) by amending paragraph (26) to read as follows:

''(26) The term 'State' means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.''; and

(2) by redesignating paragraph (43), as added by section 90105(d) of the Violent Crime Control and Law Enforcement Act of 1994, as paragraph (44).

(k) Section 1121 of title 18, United States Code, is amended by adding at the end the following new subsection:

''(c) For the purposes of this section, the term 'State' means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.''.

(l) Section 228(d)(2) of title 18, United States Code, is amended by inserting ''commonwealth,'' before ''possession or territory of the United States''.

(m) Section 1546(c) of title 18, United States Code, is amended by adding at the end the following: ''For purposes of this section, the term 'State' means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.''.

(n) Section 1541 of title 18, United States Code, is amended—

(1) in the first undesignated paragraph, by striking ''or possession''; and

(2) by adding at the end the following new paragraph:

''For purposes of this section, the term 'State' means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.''.

(o) Section 37(c) of title 18, United States Code, is amended in the final sentence by inserting before the period the following: '', and the term 'State' means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States''.

(p) Section 2281(c) of title 18, United States Code, is amended in the final sentence by inserting before the period the following: '', and the term 'State' means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States''.

(q) Section 521(a) of title 18, United States Code, is amended by adding at the end the following: ''(''State' means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States''.

SEC. 3. EFFECTIVE DATE.

This Act and the amendments made by this Act shall apply to offenses committed on or after the date of enactment of this Act.

Mr. BOND. Mr. President, I ask unanimous consent the committee amendment be agreed to, the bill be considered read a third time and passed as amended, the motion to reconsider be laid upon the table, and any statements relating to the bill be placed at the appropriate place in the RECORD.

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

So the committee amendment was agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, as passed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. BOND. Mr. President, I ask unanimous consent the Senate immediately proceed to executive session to consider the following nominations on today's Executive Calendar, Nos. 404, 405, 406, and nominations placed on the Secretary's desk in the Air Force, Army, and Navy.

I further ask unanimous consent the nominations be confirmed en bloc, the motions to reconsider be laid upon the table en bloc, any statements relating to the nominations appear at the appropriate place in the RECORD, the President be immediately notified of the Senate's action, and that the Senate then return to legislative session.

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

The nominations considered and confirmed en bloc are as follows:

ARMY

The following U.S. Army Reserve officers for promotion in Reserve of the Army to the grades indicated under title 10, United States Code sections 3371, 3384 and 12203(a):

To be major general

Brig. Gen. Jorge Arzola, 000–00–0000.
Brig. Gen. William E. Barron, 000–00–0000.
Brig. Gen. Tommy W. Bonds, 000–00–0000.
Brig. Gen. William N. Clark, 000–00–0000.
Brig. Gen. George W. Goldsmith, Jr., 000–00–0000.
Brig. Gen. Ralph L. Haynes, 000–00–0000.
Brig. Gen. William B. Hobgood, 000–00–0000.
Brig. Gen. Curtis A. Loop, 000–00–0000.
Brig. Gen. James M. McDougal, 000–00–0000.
Brig. Gen. William C. Mercurio, 000–00–0000.
Brig. Gen. Evo Riguzzi, Jr., 000–00–0000.

To be brigadier general

Col. Patricia J. Anderson, 000–00–0000.
Col. William S. Anthony, 000–00–0000.
Col. David R. Bockel, 000–00–0000.
Col. Robert W. chestnut, 000–00–0000.
Col. Richard E. Coleman, 000–00–0000.
Col. James M. Collins, Jr., 000–00–0000.
Col. Perry V. Dalby, 000–00–0000.
Col. William N. Kiefer, 000–00–0000.
Col. Robert M. Kimmitt, 000–00–0000.

Col. Robert A. Lee, 000–00–0000.
Col. Paul E. Lima, 000–00–0000.
Col. Richard D. Lynch, 000–00–0000.
Col. Robert G. Mennona, Jr., 000–00–0000.
Col. H. Douglas Robertson, 000–00–0000.
Col. Jon R. Root, 000–00–0000.
Col. John L. Scott, 000–00–0000.
Col. Gerry G. Thames, 000–00–0000.
Col. Thomas A. Wessels, 000–00–0000.

NAVY

The following named officer for appointment to the grade of Vice Admiral in the United States Navy while assigned to a position of importance and responsibility under title 10 United States Code section 601:

To be vice admiral

Rear Adm. Alexander J. Krekich, 000–00–0000.

The following named officer to be placed on the retired list of the United States Navy in the grade indicated under section 1370 of title 10, United States Code:

To be admiral

Adm. Henry G. Chiles, Jr., 000–00–0000.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE AIR FORCE, ARMY, AND NAVY

Air force nominations beginning Monkia K. Botschner, and ending Nora E. Townsend, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of November 7, 1995.

Army nominations beginning Raymond W. Carpenter, and ending Donald G. Ward, Jr., which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of October 27, 1995.

Army nominations beginning Nelson M. Alverio, and ending Arthur S. Pua, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of October 31, 1995.

Army nominations beginning Virgil A. Abel, and ending James A. Zernicke, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of October 31, 1995.

Army nominations beginning Travis L. Hooper, and ending Fredrick B. Seeger, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of November 8, 1995.

Army nominations beginning Bobby T. Anderson, and ending John F. D'Agostino, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of November 8, 1995.

Navy nominations beginning Bobby Z. Abadi, and ending Benjamin D. Zittere, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of October 31, 1995.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

ORDERS FOR FRIDAY, DECEMBER 15, 1995

Mr. BOND. Mr. President, I ask unanimous consent, when the Senate completes its business today it stand in adjournment until the hour of 9:30 a.m. on Friday, December 15; that following the prayer, the Journal of proceedings be deemed approved to date, no resolutions come over under the rule, the call of the calendar be dispensed with, the morning hour be deemed to have expired, the time for the two leaders be reserved their use later in the day; there then be a period for morning business until the hour of 11 a.m., with Senators permitted to speak up to 5 minutes each, with the following exception: Senator NUNN, 25 minutes; Senator COATS, 45 minutes; Senator GRAHAM, 25 minutes.

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

PROGRAM

Mr. BOND. Mr. President, for the information of all Senators, it is the intention of the majority leader to begin consideration of the House Message on the Foreign Operations appropriations bill during Friday's session. It is also possible that the Senate will consider the D.C. appropriations conference report, as well as a continuing resolution during tomorrow's session. Therefore, rollcall votes are possible on Friday.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. BOND. Mr. President, if there is no further business to come before the Senate, I ask the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:15 p.m., adjourned until Friday, December 15, 1995, at 9:30 a.m.

CONFIRMATIONS

Executive Nominations Confirmed by the Senate December 14, 1995;

DEPARTMENT OF STATE

A. PETER BURLEIGH, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MALDIVES.

SANDRA J. KRISTOFF, OF VIRGINIA, FOR THE RANK OF AMBASSADOR DURING HER TENURE OF SERVICE AS U.S. COORDINATOR FOR ASIA PACIFIC ECONOMIC COOPERATION [APEC].

JOHN RAYMOND MALOTT, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO MALAYSIA.

KENNETH MICHAEL QUINN, OF IOWA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF CAMBODIA.

WILLIAM H. ITOH, OF NEW MEXICO, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF THAILAND.

FRANCES D. COOK, OF FLORIDA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE SULTANATE OF OMAN.

J. STAPLETON ROY, OF PENNSYLVANIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF INDONESIA.

THOMAS W. SIMONS, JR., OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE ISLAMIC REPUBLIC OF PAKISTAN.

RICHARD HENRY JONES, OF NEBRASKA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF LEBANON.

JAMES FRANKLIN COLLINS, OF ILLINOIS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR AT LARGE AND SPECIAL ADVISER TO THE SECRETARY OF STATE FOR THE NEW INDEPENDENT STATES.

CHARLES H. TWINING, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF CAMEROON.

CHARLES H. TWINING, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF EQUATORIAL GUINEA.

JAMES A. JOSEPH, OF VIRGINIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SOUTH AFRICA.

DON LEE GEVIRTZ, OF CALIFORNIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF FIJI, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF NAURU, AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF TONGA, AND AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO TUVALU.

JOAN M. PLAISTED, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF THE MARSHALL ISLANDS, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF KIRIBATI.

JIM SASSER, OF TENNESSEE, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE PEOPLE'S REPUBLIC OF CHINA.

DAVID P. RAWSON, OF MICHIGAN, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MALI.

GERALD WESLEY SCOTT, OF OKLAHOMA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF THE GAMBIA.

ROBERT E. GRIBBIN III, OF ALABAMA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF RWANDA.

The above nominations were approved subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

IN THE ARMY

THE FOLLOWING U.S. ARMY RESERVE OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, UNITED STATES CODE SECTIONS 3371, 3384 AND 12203(A):

To be major general

BRIG. GEN. JORGE ARZOLA, 000–00–0000.
BRIG. GEN. WILLIAM E. BARRON, 000–00–0000.
BRIG. GEN. TOMMY W. BONDS, 000–00–0000.
BRIG. GEN. WILLIAM N. CLARK, 000–00–0000.
BRIG. GEN. GEORGE W. GOLDSMITH, JR., 000–00–0000.
BRIG. GEN. RALPH L. HAYNES, 000–00–0000.
BRIG. GEN. WILLIAM B. HOBGOOD, 000–00–0000.
BRIG. GEN. CURTIS A. LOOP, 000–00–0000.
BRIG. GEN. JAMES M. MC DOUGAL, 000–00–0000.
BRIG. GEN. WILLIAM C. MERCURIO, 000–00–0000.
BRIG. GEN. EVO RIGUZZI, JR., 000–00–0000.

To be brigadier general

COL. PATRICIA J. ANDERSON, 000–00–0000.
COL. WILLIAM S. ANTHONY, 000–00–0000.
COL. DAVID R. BOCKEL, 000–00–0000.
COL. ROBERT W. CHESTNUT, 000–00–0000.
COL. RICHARD E. COLEMAN, 000–00–0000.
COL. JAMES M. COLLINS, JR., 000–00–0000.
COL. PERRY V. DALBY, 000–00–0000.
COL. WILLIAM N. KEIFER, 000–00–0000.
COL. ROBERT M. KIMMITT, 000–00–0000.
COL. ROBERT A. LEE, 000–00–0000.
COL. PAUL E. LIMA, 000–00–0000.
COL. RICHARD D. LYNCH, 000–00–0000.
COL. ROBERT G. MENNONA, JR., 000–00–0000.
COL. H. DOUGLAS ROBERTSON, 000–00–0000.
COL. JON R. ROOT, 000–00–0000.
COL. JOHN L. SCOTT, 000–00–0000.
COL. GERRY G. THAMES, 000–00–0000.
COL. THOMAS A. WESSELS, 000–00–0000.

IN THE NAVY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF VICE ADMIRAL IN THE U.S. NAVY WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be vice admiral

REAR ADM. ALEXANDER J. KREKICH, 000–00–0000.

THE FOLLOWING-NAMED OFFICER TO BE PLACED ON THE RETIRED LIST OF THE U.S. NAVY IN THE GRADE INDICATED UNDER SECTION 1370 OF TITLE 10, UNITED STATES CODE:

To be admiral

ADM. HENRY G. CHILES, JR., 000–00–0000.

IN THE AIR FORCE

AIR FORCE NOMINATIONS BEGINNING MONKIA K. BOTSCHNER, AND ENDING NORA E. TOWNSEND, WHICH NOMINATIONS WERE RECEIVE3D BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 7, 1995.

IN THE ARMY

ARMY NOMINATIONS BEGINNING RAYMOND W. CARPENTER, AND ENDING DONALD G. WARD, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 27, 1995.

ARMY NOMINATIONS BEGINNING NELSON M. ALVERIO, AND ENDING ARTHUR S. PUA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 31, 1995.

ARMY NOMINATIONS BEGINNING VIRGIL A. ABEL, AND ENDING JAMES A. ZERNICKE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 31, 1995.

ARMY NOMINATIONS BEGINNING TRAVIS L. HOOPER, AND ENDING FREDERICK B. SEEGER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 8, 1995.

ARMY NOMINATIONS BEGINNING BOBBY T. ANDERSON, AND ENDING JOHN F. D'AGOSTINO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 8, 1995.

IN THE FOREIGN SERVICE

FOREIGN SERVICE NOMINATIONS BEGINNING ROBERT S. GELBARD, AND ENDING SANDRA L. WILLIAMS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 5, 1995.

FOREIGN SERVICE NOMINATIONS BEGINNING PAULA O. GODDARD, AND ENDING MICHAEL RANNEBERGER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 5, 1995.

FOREIGN SERVICE NOMINATIONS BEGINNING CAROL A. PEASLEY, AND ENDING SARAH S. OLDS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 22, 1995.

FOREIGN SERVICE NOMINATIONS BEGINNING HENRY LEE BARRETT, AND ENDING HARRY L. TYNER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 31, 1995.

IN THE NAVY

NAVY NOMINATIONS BEGINNING BOBBY Z. ABADI, AND ENDING BENJAMIN D. ZITTERE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 31, 1995.