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House of Representatives

The House met at 9 a.m.

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

Let us pray using the words of the 105th Psalm:

O give thanks to the Lord, call on his name, make known his deeds among the people.

Sing to him, sing praises to him, tell of all his wonderful works.

Glory in his holy name; let the hearts of those who seek the Lord rejoice.

Seek the Lord and his strength, seek his presence continually.

Remember the wonderful works that he has done, his miracles, and the judgments he uttered,

O offspring of Abraham his servant, sons of Jacob, his chosen ones. Amen.

THE JOURNAL

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

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

Mr. FORBES. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. FORBES. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Pursuant to clause 5, rule I, further proceedings on this question are postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from New York [Mr. FORBES] come forward and lead the House in the Pledge of Allegiance.

Mr. FORBES led the Pledge of Allegiance as follows:

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

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to make an announcement.

After consultation with the majority and minority leaders, and with their consent and approval, the Chair announces that during the joint meeting to hear an address by His Excellency Binyamin Netanyahu, only the doors immediately opposite the Speaker and those on his right and left will be open.

No one will be allowed on the floor of the House who does not have the privilege of the floor of the House.

Due to the large attendance which is anticipated, the Chair feels that the rule regarding the privilege of the floor must be strictly adhered to. Children of Members will not be permitted on the floor, and the cooperation of all Members is requested.

RECESS

The SPEAKER. Pursuant to the order of the House of Thursday, June 27, 1996, the House will stand in recess subject to the call of the Chair.

Accordingly (at 9 o'clock and 4 minutes a.m.), the House stood in recess subject to the call of the Chair.

□ 0948

JOINT MEETING OF THE HOUSE AND SENATE TO HEAR AN ADDRESS BY HIS EXCELLENCY BINYAMIN NETANYAHU, PRIME MINISTER OF ISRAEL

The Speaker of the House presided.

The Assistant to the Sergeant at Arms, Kerri Hanley, announced the Vice President and Members of the U.S. Senate who entered the Hall of the House of Representatives, the Vice President taking the chair at the right of the Speaker, and the Members of the Senate the seats reserved for them.

The SPEAKER. The Chair appoints as members of the committee on the part of the House to escort His Excellency, Binyamin Netanyahu, Prime Minister of Israel, into the Chamber: The gentleman from Texas [Mr. ARMEY]; the gentleman from Texas [Mr. DELAY]; the gentleman from Ohio [Mr. BOEHNER]; the gentleman from California [Mr. COX]; the gentleman from New York [Mr. PAXON]; the gentlewoman from New York [Ms. MOLINARI]; the gentleman from New York [Mr. GILMAN]; the gentleman from Louisiana [Mr. LIVINGSTON]; the gentleman from New York [Mr. SOLOMON]; the gentleman from Alabama [Mr. CALLAHAN]; the gentleman from New Mexico [Mr. SCHIFF]; the gentleman from Pennsylvania [Mr. FOX]; the gentleman from Missouri [Mr. GEPHARDT]; the gentleman from Michigan [Mr. BONIOR]; the gentlewoman from Connecticut [Mrs. KENNELLY]; the gentleman from Texas [Mr. FROST]; the gentleman from Maryland [Mr. HOYER]; the gentleman from Indiana [Mr. HAMILTON]; the gentleman from Illinois [Mr. YATES]; the gentleman from Wisconsin [Mr. OBEY]; the gentleman from Texas [Mr. WILSON]; the gentleman from California [Mr. LANTOS]; the gentleman from California [Mr. BERMAN]; and the gentlewoman from New York [Mrs. LOWEY].

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

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The VICE PRESIDENT. The President of the Senate, at the direction of that body, appoints the following Senators as a committee on the part of the Senate to escort His Excellency, Binyamin Netanyahu, the Prime Minister of Israel, into the House Chamber: The Senator from Mississippi [Mr. LOTT]; the Senator from Oklahoma [Mr. NICKLES]; the Senator from Florida [Mr. MACK]; the Senator from Idaho [Mr. CRAIG]; the Senator from New York [Mr. D'AMATO]; the Senator from South Carolina [Mr. THURMOND]; the Senator from North Carolina [Mr. HELMS]; the Senator from Utah [Mr. HATCH]; the Senator from Pennsylvania [Mr. SPECTER]; the Senator from South Dakota [Mr. DASCHLE]; the Senator from Kentucky [Mr. FORD]; the Senator from California [Mrs. BOXER]; the Senator from Wisconsin [Mr. FEINGOLD]; the Senator from California [Mrs. FEINSTEIN]; the Senator from New Jersey [Mr. LAUTENBERG]; the Senator from Vermont [Mr. LEAHY]; the Senator from Connecticut [Mr. LIEBERMAN]; the Senator from Rhode Island [Mr. PELL]; the Senator from Minnesota [Mr. WELLSTONE]; the Senator from Oregon [Mr. WYDEN]; and the Senator from Michigan [Mr. LEVIN].

The assistant to the Sergeant at Arms announced the acting dean of the diplomatic corps, the Honorable Nuzhet Kandemir, Ambassador of Turkey.

The acting dean of the diplomatic corps entered the Hall of the House of Representatives and took the seat reserved for him.

The assistant to the Sergeant at Arms announced the Associate Justices of the Supreme Court of the United States.

The Associate Justices of the Supreme Court of the United States entered the Hall of the House of Representatives and took the seats reserved for them in front of the Speaker's rostrum.

The assistant to the Sergeant at Arms announced the Cabinet of the President of the United States.

The members of the Cabinet of the President of the United States entered the Hall of the House of Representatives and took the seats reserved for them in front of the Speaker's rostrum.

At 10 o'clock and 7 minutes a.m., the assistant to the Sergeant at Arms announced the Prime Minister of Israel.

The Prime Minister of Israel, escorted by the committee of Senators and Representatives, entered the Hall of the House of Representatives, and stood at the Clerk's desk.

[Applause, the Members rising.]

The SPEAKER. Members of the Congress, it is my great privilege and I deem it a high honor and a personal pleasure to present to you His Excellency, Binyamin Netanyahu, the Prime Minister of Israel.

[Applause, the Members rising.]

ADDRESS BY HIS EXCELLENCY, BINYAMIN NETANYAHU, PRIME MINISTER OF ISRAEL

Prime Minister NETANYAHU. If I can only get the Knesset to vote like this.

Mr. Speaker, Mr. Vice President, Members of Congress, this is not the first time that a Prime Minister of Israel addresses a joint meeting of Congress. My immediate predecessor, Shimon Peres, addressed this body, and before him, the late Yitzhak Rabin, who fell, tragically cut down by a despicable, savage assassin. We are grateful that Israeli democracy has proved resilient enough to overcome this barbaric act, but we shall always carry with us the pain of this tragedy.

I recognize, Mr. Speaker, that the great honor you have bestowed on me is not personal. It is a tribute to the unshakable fact that the unique relationship between Israel and the United States transcends politics and parties, governments and diplomacy. It is a relationship between two peoples who share a total commitment to the spirit of democracy, an infinite dedication to freedom. We have a common vision of how societies should be governed, of how civilizations should be advanced. We both believe in eternal values; we both believe in the Almighty; we both follow traditions hallowed by time and experience.

We admire America not only for its dynamism and for its power and for its wealth. We admire America for its moral force, as Jews and as Israelis. We are proud that this moral force is derived from the Bible and the precepts of morality that the Jewish people have given the world.

Of course, Israel and the United States also have common interests. But our bonds go well beyond such interests. In the 19th century citizens for all free states viewed France as the great guardian of liberty. In the 20th century every free persons looks to America as the champion of freedom.

Yesterday my wife and I spent a very moving hour at Arlington National Cemetery, and we saw there the evidence of the price you paid for that freedom in the lives of your best and brightest young men, and it is a toll that is exacted from you, from all of us, but from you these very days.

I think it was the terrible misfortune of the Jewish people that in the first half of this century the United States had not yet assumed its pivotal role in the world, and it has been our great fortune that in the second half of this century, with the miraculous renewal of Jewish nationhood, the United States became the preeminent power in the world. You, the people of America, offered the Jewish state, a fledgling Jewish state, succor and support. You stood by us time and time again against the forces of tyranny and totalitarianism, and I know that I speak for every Israeli and every Jew throughout the world when I say to you today: Thank you, people of America.

Perhaps our most demanding joint effort has been the endless quest to achieve peace and stability for Israel and its Arab neighbors. American Presidents have joined successive Israeli Governments in an untiring effort to obtain this peace. The first historic breakthrough was led by Prime Minister Begain and Presidents Carter and Sadat at Camp David, and the most recent success was the pact with Jordan under the auspices of President Clinton. These efforts, I believe, are clear proof of our intentions and our direction. We want peace.

We want peace with all our neighbors. We have no quarrel with them which cannot be resolved by peaceful means, nor, I must say, do we have a quarrel with Islam. We reject the thesis of inevitable clash of civilizations. We do not subscribe to the idea that Islam has replaced communism as the new rival of the West, because our conflict is specific. It is with those militant fanatics who pervert the central tenets of a great faith, toward violence and world domination. Our hand is stretched out in peace for all who would grasp it.

We do not care about the religion. We do not care about their national identify. We do not care about their ideological beliefs. We care about peace, and our hand is stretched out for peace.

Every Israeli wants peace. I do not think there is a people who has yearned or prayed or sacrificed more for peace than we have. There is not a family in Israel that has not suffered the unbearable agony of war and, directly or indirectly, the excruciating, everlasting pain of grief. The mandate we have received from the people of Israel is to continue the search for an end to wars and an end to grief. I promise you, we are going to live up to this mandate.

We will continue the quest for peace, and to this end, we are ready to resume negotiations with the Palestinian Authority on the implementation of our interim agreement.

I want to say something about agreements. Some of you speak Latin, or at least study Latin. Pax est summa servanda. We believe agreements are made to be kept. This is our policy. We expect the Palestinian side to abide by its commitments. On this basis, we will be prepared to begin final status negotiations as well. We are ready to engage Syria and Lebanon in meaningful negotiations. We seek to broaden the circle of peace to the whole Arab world and the rest of the countries of the Middle East.

But I want to make it clear that we want a peace that will last. We must have a peace based on security for all. We cannot, and I might say we dare not, forget that more men, women, and children have lost their lives through terrorist attacks in the last 3 years, than in the entire previous decade.

I know that the representatives of the United States sitting here, the people of the United States, are now becoming tragically familiar with this

experience. You have experienced it in places as far afield as New York's World Trade Center and, most recently, in Daharan. I notice also the recent torchings of the Afro-American churches in America, which I must tell you strike a familiar and chilling note among Jews. But I want to try to put the Israeli experience in perspective, and one has to imagine, to do so, to imagine such attacks occurring time and time again in every city, in every corner of this great country.

So what we are saying here today is as simple as it is elementary: Peace means the absence of violence. Peace means not fearing for your children every time they board a bus. Peace means walking the streets of your town without the fearful shriek of Katyusha rockets overhead.

We just visited with the wife of a friend of mine, the deputy mayor of Kir yat shemona, who was walking the streets of Kir yat shemona when the fearful shriek of a rocket overhead burned her car, nearly burned her, and she was miraculously saved, and she is alive and she is getting better. But peace means that this does not happen, because peace without personal safety is a contradiction in terms. It is a hoax. It will not stand.

What we are facing in the Middle East today is a broad front of terror throughout the area. Its common goal is to remove any Western, and primarily any American, presence in the Middle East. It seeks to break our will, to shatter our resolve, to make us yield.

I believe the terrorists must understand that we will not yield, however grave and fearful the challenge. Neither Israel nor any other democracy, and certainly not the United States, must ever bend to terrorism. We must fight it. We must fight it resolutely, endlessly, tirelessly. We must fight it together until we remove this malignancy from the face of the Earth.

For too long the standards of peace, used throughout the world, have not been applied to the Middle East. Violence and despotism have been excused and not challenged. Respect for human freedoms has not been on the agenda. It has been on the agenda everywhere else, everywhere else: In Latin America, in the former Soviet Union, in South Africa. And that effort has been led by successive American administrations and by this House.

I think it is time to demand a peace based on norms and on standards. It is not enough to talk about peace in abstraction. We must talk about the content of peace. It is time, I believe, for a code of conduct for building a lasting Middle East peace. Such a peace must be based on three pillars, the three pillars of peace.

Security is the first pillar. There is no substitute for it. To succeed, the quest for peace must be accompanied by a quest for security.

Demanding an end to terrorist attacks as a prerequisite for peace does not give terrorists veto power over the peace process, because nearly all of the terrorist acts directed against us are perpetrated by known organizations whose activities can be curbed, if not altogether stopped, by our negotiating partners. This means that our negotiating partners, and, indeed, all of the regimes in the region, must make a strategic choice: either follow the option of terror, follow the option of terror as an instrument of policy or diplomacy, or follow the option of peace. But they cannot have it both ways.

This choice means that the Palestinian Authority must live up to its obligations it has solemnly undertaken to prevent terrorist attacks against Israel. This choice also means that Syria must cease its policy of enabling proxy attacks against Israeli cities, and undertake to eliminate threats from Hizbollah and other Syrian-based groups. This means that the fight against terror cannot be episodic, it cannot be conditional, it cannot be whimsical, it cannot be optional. It must become the mainstay of a relationship of trust between Israel and its Arab partners.

The second pillar of peace is reciprocity. This means an unshakeable commitment to the peaceful resolution of disputes—including the border disputes between Israel and its neighbors.

The signing of a peace treaty should be the beginning of a relationship of reciprocal respect and recognition, and the fulfillment of mutual obligations. It should not trigger round after round of hostile diplomacy. Peace should not be the pursuit of war by other means.

A peace without pacification, a peace without normalization, a peace in which Israel is repeatedly brought under attack, is not a true peace.

But reciprocity, reciprocity means that every line in every agreement turns into a sinew for reconciliation. Reciprocity means that an agreement must be kept by both sides. Reciprocity is the glue of mutual commitment that upholds agreements, and this is the second pillar of peace.

The third pillar of lasting peace is democracy and human rights. I am not revealing a secret to the Members of this Chamber when I say that modern democracies do not initiate aggression. This has been the central lesson of the 20th century. States that respect the human rights of their citizens are not likely to provoke hostile action against their neighbors. No one knows better than the United States, the world's greatest democracy, that the best guarantor against military adventurism is accountable, democratic government.

The world has witnessed the bitter results of policies without standards in the case of Saddam Hussein. Unless we want more Saddams to rise, we must apply the standards of democracy and human rights in the Middle East. I believe that every Muslim and every Christian and every Jew in the region is entitled to nothing less.

I do not think we should accept the idea that the Middle East is the latest or the last isolated sanctuary that will be democracy-free for all time except the presence of Israel. I realize that this is a process. It may be a long-term process, but I think we should begin it.

It is time for the states of the Middle East to put the issue of human rights and democratization on their agenda. Democratization means accepting a free press and the right of a legal opposition to organize and express itself. It is very important for the opposition to be able to express itself, Mr. Speaker. I have just learned that, and we will accord that same right, as you know.

This is democracy. It is to be able to disagree, to express our disagreements, and sometimes to agree after disagreements. It means tolerance. It means an inherent shift away from aggression toward the recognition of the mutual right to differ.

I will admit, the Middle East as a whole has not yet effected this basic shift, this change from autocracy to democracy. But this does not mean that we cannot have peace in the region now, peace with nondemocratic regimes. I believe we can. It is a fact that we have had such peace arrangements. But such peace arrangements as we can now arrive at can only be characterized as a defensible peace in which we must retain assets essential to the defense of our country and sufficient to deter aggression.

Until this democratization process becomes a mainstay of the region, the proper course for the democratic world, led by the United States, is to strengthen the only democracy in the Middle East, Israel, and to encourage moves to pluralism and greater freedom in the Arab world. I want to make something clear. We do not want merely peace in our time. We want peace for all time.

□ 1030

To the message of peace now, we do not just want peace now. We want peace now and later. We want peace for generations. There is no divide. That desire is heartfelt. It should be a point of unity, not of disunity. I believe this is why we must make the pursuit of human rights and democracy a cornerstone of our quest.

So these, then, I believe are the three pillars of peace: security, reciprocity, and the strengthening of democracy.

I believe that a peace based on these three pillars can be advanced. Yet, ladies and gentlemen, I would be remiss if I did not refer to a major challenge facing all of us.

I have touched on the problem of the Middle East that is largely undemocratic, and part of it is strongly antidemocratic. Specifically, it is being radicalized and terrorized by a number of unreconstructed dictatorships whose governmental creed is based on tyranny and intimidation.

The most dangerous of these regimes is Iran, that has wed a cruel despotism

to a fanatic militancy. If this regime, or its despotic neighbor Iraq, were to acquire nuclear weapons, this could presage catastrophic consequences not only for my country and not only for the Middle East but for all of mankind.

I believe the international community must reinvigorate its efforts to isolate these regimes and prevent them from acquiring atomic power. The United States and Israel have been at the forefront of this effort, but we can and we must do much more. Europe and the countries of Asia must be made to understand that it is folly, nothing short of folly, to pursue short-term material gain while creating a long-term existential danger for all of us.

I believe that only the United States can lead this vital international effort to stop the nuclearization of terrorist states. But the deadline for attaining this goal is getting extremely close.

In our own generation, we have witnessed how the United States averted, by its wisdom, tenacity and determination, the dangerous expansion of a totalitarian superpower equipped with nuclear weapons. The policy it used for that purpose was deterrence. Now we see the rise of a similar threat, similar and in many ways more dangerous, against which deterrence by itself may not be sufficient. Deterrence must now be reinforced with prevention, immediate and effective prevention.

We are confident that America, once again, will not fail to take the lead in protecting our free civilization of this ultimate horror. But, ladies and gentlemen, time is running out. We have to act, responsibly, in a united front, internationally. This is not a slogan. This is not overdramatization. This is the life of our world, of our children and of our grandchildren. And I believe that there is no greater, no more noble, no more responsible force than the united force of democracy led by the greatest democracy, the United States. We can overcome this challenge. We can meet it successfully.

Let me now say a word about a subject that has been on your mind and ours, and that subject is the city of Jerusalem.

Countless words have been written about that city on the hill, which represents the universal hope for justice and peace. I live in that city on the hill. And in my boyhood I knew that city, when it was divided into enemy camps, with coils of barbed wire stretched through its heart.

Since 1967, under Israeli sovereignty, united Jerusalem has, for the first time in 2,000 years, become the city of peace. For the first time, the holy places have been open to worshipers from all three great faiths. For the first time, no group in the city or among its pilgrims has been persecuted or denied free expression. For the first time, a single sovereign authority has afforded security and protection to members of every nationality who sought to come and pray there.

There have been efforts to redivide this city by those who claim that peace can come through division, that it can be secured through multiple sovereignties, multiple laws, multiple police forces.

This is a groundless and dangerous assumption, and it impels me to declare today: There will never be such a redivision of Jerusalem. Never. We shall not allow a Berlin Wall to be erected inside Jerusalem. We will not drive out anyone, but neither shall we be driven out of any quarter, any neighborhood, any street of our eternal capital.

Finally, permit me to briefly remark on our future economic relationship. The United States—how can I tell it to this body? The United States has given, apart from political and military support to Israel, munificent and magnificent assistance in the economic sphere. With America's help, Israel has grown to be a powerful, modern state. I believe that we can now say that Israel has reached childhood's end, that it has matured enough to begin approaching a state of self-reliance.

We are committed to turning Israel's economy into a free market of goods and ideas. I believe that such a free market of goods and ideas is the only way to bring ourselves to true economic independence; and this means free enterprise, privatization, open capital markets, an end to cartels, lower taxes, deregulation.

There is not a Hebrew word for deregulation. By the time this term of office in Israel is over, there will be a Hebrew word for deregulation.

But may I say something that unites all of us across the political divide? I am committed to reducing the size of government; and I am quoting Speaker GINGRICH, quoting President Clinton, saying that the era of Big Government is over. It is over in Israel, too.

I believe that a market economy is the only way to effectively absorb immigrants and realize the dream of ages, the ingathering of the Jewish exiles.

To succeed, we must uphold the market economy as the imperative of the future. It is a crucial prerequisite for the building of the promised land.

We are deeply grateful for all that we have received from the United States, for all that we have received from this Chamber, from this body. But I believe there can be no greater tribute to America's long-standing economic aid to Israel than for us to be able to say: We are going to achieve economic independence. We are going to do it.

In the next 4 years, we are going to begin the long-term process of gradually reducing the level of your generous economic assistance to Israel, and I am convinced that our economic policies will lay the foundation for total self-reliance and great economic strength. In our Hebrew scriptures, which spread from Jerusalem to all of mankind, there is a verse, ''HaShem oz l'eamo yiten; HaShem yevarech et amo bashalom.'' ''God will give strength to His people; God will bless His people with peace.'' This is the original, inspired source for the truth that peace derives from strength.

In the coming years, we intend to strengthen the Jewish people in its land. We intend to build an Israel of reciprocal dialog and peace with each and every one of our neighbors. We will not uproot anyone, nor shall we be uprooted. We shall insist on the right of Jews to live anywhere in the land, just as we insist on the right of Jews to live anywhere in any other place of the world. We will build an Israel of self-reliance. We will build an Israel with an undivided and indivisible city of hope at its heart. We will build a peace founded on justice and strength and amity for all men and women of good will.

And I know that the American people will join us in making every effort to make our dream a reality, as I know that the American people will join us in prayer: ''God will give strength to his people, God will bless his people with peace.'' Thank you very much.

[Applause, the Members rising.]

At 10 o'clock and 46 minutes a.m., the Prime Minister of Israel, accompanied by the committee of escort, retired from the Hall of the House of Representatives.

The Assistant to the Sergeant at Arms escorted the invited guests from the Chamber in the following order:

The members of the President's Cabinet.

The Associate Justices of the Supreme Court of the United States.

The acting dean of the diplomatic corps.

JOINT MEETING DISSOLVED

The SPEAKER. The purpose of the joint meeting having been completed, the Chair declares the joint meeting of the two Houses now dissolved.

Accordingly, at 10 o'clock and 47 minutes a.m., the joint meeting of the two Houses was dissolved.

The Members of the Senate retired to their Chamber.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The House will continue in recess until the hour of 11 o'clock and 30 minutes a.m.

□ 1130

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. EWING] at 11 o'clock and 30 minutes a.m.

MESSAGE FROM THE SENATE

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

H.R. 419. An act for the relief of Benchmark Rail Group, Inc.; and

H.R. 701. An act to authorize the Secretary of Agriculture to convey lands to the city of Rolla, MO.

PRINTING OF PROCEEDINGS HAD DURING RECESS

Mrs. KELLY. Mr. Speaker, I ask unanimous consent that the proceedings had during the recess be printed in the RECORD.

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will recognize 15 1-minutes on each side.

WELFARE REFORM

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

Mr. ARMEY. Mr. Speaker, today is the deadline this administration imposed on itself for granting Wisconsin the freedom to reform its welfare system. Two-thirds of the Wisconsin Legislature approved a welfare reform plan that requires work and restores the values of responsibility and family. President Clinton endorsed the Wisconsin reforms in a radio address to the Nation and eventually agreed to approve the plan by today, July 10,

Remember President Clinton's campaign promise to end welfare as we know it? That promise energized the Nation's Governors, who have put forward ambitious plans to reward work over dependency. But State legislators eager to end welfare as we know it have been forced to sit on their hands, waiting for permission from Washington, only to have bureaucrats rewrite their welfare reform plans and make them ineffective.

Welfare as we know it continues, despite enormous effort from our Nation's Governors.

The President has vetoed welfare reform twice, despite his campaign promise. Today he has a chance to keep another welfare reform promise, this one made to the people of Wisconsin—or, Mr. Speaker, is this not one of the promises the President meant to keep?

FILEGATE

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

Mr. TRAFICANT. Mr. Speaker, at first, it was a handful. We then had 300, then 400. The number grew to 700. Today, Federal law enforcement groups estimate the number of illegally obtained secret FBI files by the White House to exceed 1,000. One thousand private lives of Americans invaded, 1,000 workers, all Republicans, who worked for Presidents Reagan and Bush, their rights violated. And, after all this, to add insult to injury, the new political spin is, Vincent Foster did it.

What is next? Will some political spinmaster accuse Richard Nixon here?

Mr. Speaker, this is a serious problem, whether you are a Democrat or Republican. This cannot and must not be tolerated. There is one question that must be answered: Who ordered this criminal act? And that criminal should be put in jail. And, by God, let Vincent Foster rest in peace.

REINFORCEMENTS NEEDED IN WAR ON DRUGS

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

Mr. SAM JOHNSON of Texas. Mr. Speaker, for months President Clinton promised to protect our children from the addiction of cigarettes, but what about drugs? When Clinton got in office, he slashed the drug czar's staff by 83 percent, he eliminated 200 to 400 DEA agents, and he took the priority of drugs from top on the national security list to bottom. At the same time, marijuana use went up for 12- to 13-year-olds by 13 percent.

Sunday, the Dallas Morning News reported Mexican drug smugglers seized ranches on the Texas border for smuggling marijuana, cocaine, and heroin.

Our border is at risk. Our ranchers are helpless. County and city officials are corrupted. President Clinton's all-talk-and-no-action drug policy has led to an invasion of our borders.

It is time we responded. Mr. Speaker, we need our Armed Forces to stop the invasion of the United States of America.

DOLE REJECTS NAACP INVITATION

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

Mr. FOGLIETTA. I has happy that Bob Dole was in my district last night for the All Star game, but there are direct flights from Philadelphia to Charlotte, NC. I say this because America should know why Bob Dole has rejected the invitation of the NAACP to speak at their convention.

His campaign repudiated the invitation based on scheduling conflicts, but I think other conflicts are involved. Could it be that Bob Dole has nothing to say to the NAACP? Could it be that Bob Dole can't do anything or say anything that would offend the far right wing of his party? That's the answer. Whatever happened to the big tent? These are the same folks who talk about their commitment to what they have called the safety net for the very poor. But isn't it interesting that both of these metaphors speak in terms of fabric. The Republican majority, led by Bob Dole and Speaker GINGRICH, they are tearing up this fabric. The safety net is in tatters. And the big tent is full of holes. With Bob Dole's rejection of the NAACP, the big tent is getting smaller and smaller.

THE CLINTON YEARS: A LEGACY OF FAILURE IN THE WAR ON DRUGS

(Mrs. KELLY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. KELLY. Mr. Speaker, President Clinton is hosting a 2-day drug summit in El Paso, but 2 days hardly make up for his administration's 3½ years of neglect. But let's see what the numbers really say: Total drug-related cases are up 30 percent; cocaine use is up 33 percent; heroin use is up 77 percent; marijuana use is up 108 percent; and methamphetamine use is up an alarming 308 percent.

No rhetoric, just the facts.

But, Mr. Speaker, these facts have a brutal impacts on our society, especially our Nation's children.

I've worked in the emergency rooms where these children come in. I've seen how these drugs can destroy generations of families.

How has our President responded? He cut the DEA agents by 227.

He shortened mandatory minimum sentences for convicted drug traffickers.

And he even mothballed nine Coast Guard ships and seven aircraft that were needed to stem the flow of drugs into this country.

No, Mr. Speaker, 2 days cannot make up for lapses of this magnitude. President Clinton has abandoned our Nation's drug control efforts and it is our children who will bear this heavy burden.

MINIMUM WAGE INCREASE WILL NOT HAPPEN

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

Mr. VOLKMER. Mr. Speaker, yesterday was a big day for a lot of low-income American people that are hard working. The other body passed the minimum wage increase bill overwhelmingly. All the media talked about it, what a great thing it was for the low-income American people that work very hard right now for $4.25.

Folks, I have got something to tell you. You have seen the last of it. NEWT GINGRICH, dictator NEWT GINGRICH, the Speaker of the House, and the leader of the Senate, both oppose that minimum wage.

One of two things is going to happen. They are either not going to appoint conferees or they are going to wait until September or October, right before we adjourn, to appoint them. Or if they appoint conferees the conferees are never going to come to an agreement.

The same thing is happening on health care reform. They did not like it

the way it was, so they are not going to have it.

That is what happens when you have a dictator as a Speaker. NEWT GINGRICH is not going to permit the minimum wage bill to ever come up for a vote in the House and Senate again. Why? The National Restaurant Association is opposed to it, and they have given NEWT GINGRICH thousands and thousands of dollars. That is why.

THE PRESIDENT AND WELFARE REFORM

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

Mr. LEWIS of Kentucky. Mr. Speaker, last May, Bill Clinton clearly stated that the Wisconsin welfare reform plan was a solid, commonsense plan for moving people from welfare dependence to work. Here is what he said on May 18 during his weekly radio address, ''I pledge that my administration will work with Wisconsin to make an effective transition to a new vision of welfare based on work * * *.''

Today, the 30-day public comment period expires and yet we hear nothing from the White House about the Wisconsin welfare waivers. Not a peep.

Mr. Speaker, clearly there is a complete and total disconnect between what Bill Clinton does and what he says. As George Will once said, Bill Clinton believes everything he emphatically says, right up until the second he totally repudiates it.

The same applies to welfare reform. Bill Clinton will say anything to make people believe he wants to change welfare, but when it comes time for action, he will come to the defense of the liberal status quo.

REPUBLICAN-LED CONGRESS OF INACTION

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

Mr. PALLONE. Mr. Speaker, yesterday, when I spoke on the floor I was encouraged by the fact that the Senate was finally taking up the minimum wage hike; and I was hopeful that a crippling amendment that would have delayed implementation for 6 months and exempted many small businesses so that half the people on minimum wage would not benefit from the hike would not pass. Fortunately, that amendment did not pass; and so now I am hoping that somehow we are going to get this minimum wage to the President's desk.

But what we have found out today is that the Republican leadership in the Senate as well as in the House continues to want delay. They do not want the minimum wage to pass. They are saying they are not going to appoint conferees, and they will only appoint conferees to work out the differences on the minimum wage bill if the health care reform bill also moves.

What we are seeing again is an effort by the Republican leadership to stop the minimum wage hike just like they are trying to stop health insurance reform. They are going to let this drag on between now and November so that this Congress once again will be the Congress of inaction. Nothing happens here. It is not happening because the Republican leadership does not want it to happen.

CASUALTIES IN THE WAR ON EDUCATION

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

Mr. UNDERWOOD. Mr. Speaker, yet again the majority has failed to make education a priority in this year's appropriations bill. Education cuts included in the Labor, HHS, Education appropriations measure, H.R. 3755, total $400 million from last year's level. And these cuts are in addition to the $1.1 billion already cut by the 104th Congress.

In this most recent battle in the war on education, casualties include Goals 2000, Byrd scholarships, student incentive grants, and Eisenhower teacher training funds. Those wounded in this battle included title I funds for disadvantaged students, special education, safe and drug free schools, bilingual education, and others.

this bill makes it clear that in the eyes of this Congress, access to higher education is not a priority, safe and drug free schools are unimportant, and improving our educational system is unnecessary.

If we want our students to grow into a competitive work force and continue our leadership in the global marketplace, education is the engine that will take us there. Education is not expendable, it is vital to our future, and the appropriations bill that passes this House should reflect this reality.

FAT LADY HAS NOT SUNG ON MINIMUM WAGE

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

Mr. WYNN. Mr. Speaker, as they say in sports, ''It ain't over till it's over.'' ''It ain't over till the fat lady sings.''

Bipartisan majorities in both Houses have passed the minimum wage increase which would help 11.8 million Americans, 40 percent of whom are sole breadwinners and 58 percent of whom are women. But it ain't over. Because special interests and NEWT GINGRICH and the Republican leadership are already in the back room working out delays.

They do not want to appoint a conference committee to move this bill to the President's desk despite the fact that 80 percent of the American public, American taxpayers, want an increase in the minimum wage. They are saying if we do not get our special interest provision in the health care bill, you cannot have minimum wage.

That is the way it goes around here now, and it is flat-out wrong. The people deserve better. The people deserve minimum wage increases and a clean health care bill.

Would somebody give the fat lady a sheet of music? We need to pass this legislation. We do not need to knuckle under to special interests.

□ 1145

MINIMUM WAGE HELD HOSTAGE BY SENATE REPUBLICANS

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, yesterday the Senate passed the minimum wage. Normally it would be on its way to President Clinton for his signature and in a short time—Americans everywhere would be benefiting. But not in this Congress—unfortunately here the will of the American people is consistently being undermined.

Eighty percent of the American people support a minimum wage increase, today we learn that Republicans in the Senate are holding the minimum wage hostage. According to Congress Daily, ''Coming off a defeat on a controversial pro-business amendment, Senate Republicans further jeopardized final approval of a minimum wage hike by threatening to block conference action unless Democrats unleash their grip on health care insurance reform legislation.''

As my colleague before me said, they want to put in their special-interest medical savings account into the health care bill. This sounds a lot like, ''If you do not play by my rules, then I am going to take my ball and go home.'' This is a refrain that is heard in sandboxes. It has no place in the U.S. Congress. The Senate needs to get out of the sandbox, pass the minimum wage today.

REPUBLICANS PUT FAMILIES LAST

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

Mr. OWENS. Mr. Speaker, Democrats are insisting that we put families first. Republicans are insisting that we put families last. Republicans have continued their attack on American families, but now with a double-barreled shotgun. They are attacking minimum wage again. The Senate is threatening to derail the passage of minimum-wage increase. They have loaded up the bill with poison pills to guarantee that it will not be signed by the President.

The Senate passed a bill yesterday, but it is a hoax. It will not lead to a minimum wage increase in America.

On the other hand, education is being attacked again by the Republicans. The education cuts we fought so hard against last fall, and the American people made it quite clear that they do not want cuts in education, again we have millions of dollars being cut in education by this Republican House majority. We do not need to attack families with a double-barreled shotgun. Do not go after them with education cuts and at the same time go after them with minimum wage cuts.

Nobody can live on $8,400 a year for minimum wage, and our students cannot meet the challenges of this high-tech economy unless they have every possible opportunity to get an education. Let us support American families. Put families first.

MINIMUM WAGE: ''WHAT IS THE BIG DEAL?''

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

Mr. KLINK. Mr. Speaker, I was called by a constituent yesterday, Mr. Lou Kasing, who runs an automobile dealership in my district. In fact, in Butler County, he is known as Mr. Republican. And he is a good businessman, understands business and has a great heart. He says, ''I do not understand something.'' He says, ''This business about raising the minimum wage, if we raise the minimum wage, are all Federal workers going to get an automatic increase?'' I said, ''No.'' He said, ''What about the labor unions, do they get an automatic increase?'' I said, ''No.'' He said, ''Then what is the big deal?''

As the previous speaker said, no one can raise a family on $8,500 a year. We cannot do it. And so, he knows, as a businessperson, the wise thing is to have employees who are happy. The wise thing is to have employees that can meet their financial obligations while working a commensurate amount of time that still allows them to give a portion of their time, quality time, to their families and to their communities. So we must stop playing games. We must make sure that minimum wage goes to the President, he can sign it, and that the poorest workers in this country can get a raise.

COMMUNICATION FROM THE HONORABLE JOSEPH M. MCDADE, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable JOSEPH M. MCDADE, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, July 9, 1996.

Hon. NEWT GINGRICH,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule L (50) of the Rules of the House of Representatives, that Teresa Baker, a Senior Legislative Assistant in my Washington Office, has been served with a subpoena issued by the U.S. District Court for the Eastern District of Pennsylvania in the case of *United States* v. *McDade.*

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

JOSEPH M. MCDADE,
Member of Congress.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, July 9, 1996.

Hon. NEWT GINGRICH,
Speaker, U.S. House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that Michael L. Stern of the Office of General Counsel has been served with a subpoena for records issued by the United States District Court for the Northern District of Illinois.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the privileges and precedents of the House.

With warm regards,

ROBIN H. CARLE,
Clerk.

PERMISSION FOR SUNDRY COMMITTEES AND THEIR SUBCOMMITTEES TO SIT TODAY DURING THE 5-MINUTE RULE

Mr. DREIER. Mr. Speaker, I ask unanimous consent that the following committees and their subcommittees be permitted to sit today while the House is meeting in the Committee of the Whole under the 5-minute rule: Committee on Banking and Financial Services; Committee on Economic and Educational Opportunities; Committee on Government Reform and Oversight; Committee on House Oversight; Committee on International Relations; Committee on the Judiciary; Committee on Resources; Committee on Science; Committee on Small Business; and Committee on Transportation and Infrastructure.

Mr. Speaker, it is my understanding that the minority has been consulted and that there is no objection to these requests.

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

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 3754, LEGISLATIVE BRANCH APPROPRIATIONS ACT, 1997

Mr. DREIER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 473 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 473

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3754) making appropriations for the Legislative Branch for the fiscal year ending September 30, 1997, and for other purposes. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 2(l)(6) of rule XI, clause 7 of rule XXI, or section 302 of 308 of the Congressional Budget Act of 1974 are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule and shall be considered as read. Points of order against provisions in the bill for failure to comply with clause 2 or 6 of rule XXI are waived. No amendment shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each amendment may be considered only in the order printed in the report, may be offered only by a member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment except as specified in the report, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against amendments printed in the report are waived. The Chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment. The Chairman of the Committee of the Whole may reduce to not less than five minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device without intervening business, provided that the time for voting by electronic device on the first in any series of questions shall be not less than 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from California [Mr. DREIER] is recognized for 1 hour.

Mr. DREIER. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to my very good friend, the gentleman from Woodland Hills, CA [Mr. BEILENSON], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for debate purposes only.

(Mr. DREIER asked and was given permission to revise and extend his remarks and include extraneous material.)

Mr. DREIER. Mr. Speaker, this rule makes in order H.R. 3754, the fiscal year 1997 legislative branch appropriations bill, under a modified closed rule.

I would like to commend my California colleague, Chairman RON PACKARD, and the rest of my colleagues on the Legislative Branch Appropriations Subcommittee for their tremendous work in bringing what has historically been a very difficult bill to the House floor.

Given that there may be some who would go so far as to recommend zero funding for the legislative branch, I believe this is a very responsible rule for what is a very responsible bill. As the reading clerk noted, the rule waives a number of points of order against consideration of the bill to permit timely consideration and to address some technical fund transfers in the bill.

The rule makes in order eight amendments printed in the report on the rule to be offered only in the order printed by the Member specified and debatable for time specified in the report. The amendments are considered as read and are not subject to amendment or subject to a demand for a division of the question in the House or the Committee of the Whole. All points of order are waived against the amendments.

Further, the rule provides that the Chairman of the Committee of the Whole may postpone recorded votes on any amendment and that the Chairman may reduce voting time on postponed questions to 5 minutes, provided that the vote immediately follows another recorded vote and that the voting time on the first in a series of votes is not less than 15 minutes.

Finally, the rule provides for one motion to recommit with or without instructions.

PERMISSION TO OFFER AMENDMENT NO. 6 IN MODIFIED FORM TO H.R. 3754, LEGISLATIVE BRANCH APPROPRIATIONS ACT, 1997

Mr. DREIER. Mr. Speaker, I ask unanimous consent that during consideration of H.R. 3754, pursuant to House Resolution 473, it may be in order to consider the amendment numbered 6 in House Report 104–663 in the modified form that I have placed at the desk.

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

There was no objection.

PERMISSION TO OFFER AMENDMENT NO. 1 IN HOUSE REPORT 104–663 AT ANY TIME DURING CONSIDERATION OF H.R. 3754, LEGISLATIVE BRANCH APPROPRIATIONS ACT, 1997

Mr. DREIER. Further, Mr. Speaker, I ask unanimous consent that notwithstanding the order prescribed by House Resolution 473 that the gentleman from California [Mr. FAZIO] be allowed to offer his amendment No. 1 at any time during the consideration of H.R. 3754 in the Committee of the Whole.

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

There was no objection.

Mr. DREIER. Mr. Speaker, last year's legislative branch appropriations bill was instrumental in reforming this institution to make this place more open, accountable, and cost effective. By adopting this rule, we can continue those important reforms while further streamlining and updating the operations of Congress through privatization and investment in new information technologies. Updating the technological infrastructure of the White House is an enormous challenge, but thanks to this bill we will continue the tremendous progress that we have made over the past 18 months.

The Thomas system at the Library of Congress is being upgraded to provide an expanded list of documents to the public and to simplify the retrieval of information. The CyberCongress plan which will bring in state-of-the-art communication networking and computer technology to dramatically improve the work of committees is moving forward under this bill.

Also by the end of this year, every House committee should have the capability to provide immediate on-line access to legislative documents, transcripts, schedules, and other information. The goal is to provide Members of Congress with more comprehensive and accurate information while facilitating the exchange of information with our constituents back home. While information technologies offer us tremendous opportunities to be better public servants, we must be mindful of the need to maintain many of the practices, procedures, and precedents of this institution. With respect to the issue of minority committee Web sites, let me say that I agree wholeheartedly with my colleague from Sacramento, CA, Mr. FAZIO, that the public should be able to conveniently access information put on a committee Web site by the minority. I hope the Committee on House Oversight can come to some compromise on the committee Internet policy that will provide sufficient safeguards in that regard.

But I disagree that the minority should be allowed to maintain completely separate committee Web sites. It would set an unfortunate precedent because the Rules of the House rightfully do not differentiate between minority and majority committees. They simply refer to committees. A committee minority may not file alternative committee reports or control separate committee rooms or conduct separate official hearings. Minority views are provided for in official committee reports, and they should be provided for on committee Web sites as well.

I would also like to say to those Members who feel they have worthwhile reform ideas but were not able to offer them under this rule, the Rules Committee has announced that it will begin holding hearings to consider reform proposals for the 105th Congress. Members with proposals for changing the organization procedures or legislative process in the House are welcome to participate. A letter of invitation to all Members was sent out just yesterday by my friend from Glens Falls, our committee chairman.

As I mentioned earlier, Mr. Speaker, this is a very responsible rule for a very responsible legislative branch spending bill.

Mr. Speaker, I include for the RECORD certain extraneous materials.

The materials referred to are as follows:

COMMITTEE ON RULES,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, July 9, 1996.

DEAR COLLEAGUE: Today the Rules Committee is announcing a series of hearings designed to examine further congressional reform proposals. This project is entitled ''Building on Change: Preparing for the 105th Congress.''

As you know, on Opening Day of the 104th Congress the House passed the most sweeping reform package since 1946. The Committee on Rules, through its committee-adopted oversight agenda, has committed to a continuing study of the rules and procedures of the House with an eye toward future reforms. Members with proposals addressing the rules, procedures, or the legislative process generally are welcome to participate in this project. The Rules Committee is not at this time taking further testimony on budget process reform.

On Wednesday, July 17 at 10AM, the Committee will hold an ''Open Day'' for Members to testify on proposals to further amend the standing rules of the House. Members who wish to testify at this hearing should submit 35 copies of their testimony to the Rules Committee office in H–312 of the Capitol by 5PM on Tuesday, July 16.

In late July and early September, the Rules Subcommittees on Rules and Organization of the House and the Legislative and Budget Process will hold joint hearings on specific reform efforts (e.g. majority and minority party task forces). The joint subcommittees will hear testimony from select groups of Members and from public witnesses. Dates, times, and subject areas for these hearings will be announced later.

If Members have questions on this hearing schedule, please feel free to contact me or Dan Keniry in my Rules Committee office at 225–9191.

Sincerely,

GERALD B. SOLOMON,
Rules Committee Chairman.

THE AMENDMENT PROCESS UNDER SPECIAL RULES REPORTED BY THE RULES COMMITTEE,[1] 103D CONGRESS V. 104TH CONGRESS

[As of July 9, 1996]

Rule type	103d Congress		104th Congress	
	Number of rules	Percent of total	Number of rules	Percent of total
Open/Modified-Open [2]	46	44	77	60
Structured/Modified Closed [3]	49	47	34	27
Closed [4]	9	9	17	13

THE AMENDMENT PROCESS UNDER SPECIAL RULES REPORTED BY THE RULES COMMITTEE,[1] 103D CONGRESS V. 104TH CONGRESS—Continued

[As of July 9, 1996]

Rule type	103d Congress		104th Congress	
	Number of rules	Percent of total	Number of rules	Percent of total
Total	104	100	128	100

[1] This table applies only to rules which provide for the original consideration of bills, joint resolutions or budget resolutions and which provide for an amendment process. It does not apply to special rules which only waive points of order against appropriations bills which are already privileged and are considered under an open amendment process under House rules.

[2] An open rule is one under which any Member may offer a germane amendment under the five-minute rule. A modified open rule is one under which any Member may offer a germane amendment under the five-minute rule subject only to an overall time limit on the amendment process and/or a requirement that the amendment be preprinted in the Congressional Record.

[3] A structured or modified closed rule is one under which the Rules Committee limits the amendments that may be offered only to those amendments designated in the special rule or the Rules Committee report to accompany it, or which preclude amendments to a particular portion of a bill, even though the rest of the bill may be completely open to amendment.

[4] A closed rule is one under which no amendments may be offered (other than amendments recommended by the committee in reporting the bill).

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS

[As of July 9, 1996]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 38 (1/18/95)	O	H.R. 5	Unfunded Mandate Reform	A: 350–71 (1/19/95).
H. Res. 44 (1/24/95)	MC	H. Con. Res. 17	Social Security	A: 255–172 (1/25/95).
		H.J. Res. 1	Balanced Budget Amdt	
H. Res. 51 (1/31/95)	O	H.R. 101	Land Transfer, Taos Pueblo Indians	A: voice vote (2/1/95).
H. Res. 52 (1/31/95)	O	H.R. 400	Land Exchange, Arctic Nat'l. Park and Preserve	A: voice vote (2/1/95).
H. Res. 53 (1/31/95)	O	H.R. 440	Land Conveyance, Butte County, Calif	A: voice vote (2/1/95).
H. Res. 55 (2/1/95)	O	H.R. 2	Line Item Veto	A: voice vote (2/2/95).
H. Res. 60 (2/6/95)	O	H.R. 665	Victim Restitution	A: voice vote (2/7/95).
H. Res. 61 (2/6/95)	O	H.R. 666	Exclusionary Rule Reform	A: voice vote (2/7/95).
H. Res. 63 (2/8/95)	MO	H.R. 667	Violent Criminal Incarceration	A: voice vote (2/9/95).
H. Res. 69 (2/9/95)	O	H.R. 668	Criminal Alien Deportation	A: voice vote (2/10/95).
H. Res. 79 (2/10/95)	MO	H.R. 728	Law Enforcement Block Grants	A: voice vote (2/13/95).
H. Res. 83 (2/13/95)	MO	H.R. 7	National Security Revitalization	PQ: 229–199; A: 227–197 (2/15/95).
H. Res. 88 (2/16/95)	MC	H.R. 831	Health Insurance Deductibility	PQ: 230–191; A: 229–188 (2/21/95).
H. Res. 91 (2/21/95)	O	H.R. 830	Paperwork Reduction Act	A: voice vote (2/22/95).
H. Res. 92 (2/21/95)	MC	H.R. 889	Defense Supplemental	A: 282–144 (2/22/95).
H. Res. 93 (2/22/95)	MO	H.R. 450	Regulatory Transition Act	A: 252–175 (2/23/95).
H. Res. 96 (2/24/95)	MO	H.R. 1022	Risk Assessment	A: 253–165 (2/27/95).
H. Res. 100 (2/27/95)	O	H.R. 926	Regulatory Reform and Relief Act	A: voice vote (2/28/95).
H. Res. 101 (2/28/95)	MO	H.R. 925	Private Property Protection Act	A: 271–151 (3/2/95).
H. Res. 103 (3/3/95)	MO	H.R. 1058	Securities Litigation Reform	
H. Res. 104 (3/3/95)	MO	H.R. 988	Attorney Accountability Act	A: voice vote (3/6/95).
H. Res. 105 (3/6/95)	MO			A: 257–155 (3/7/95).
H. Res. 108 (3/7/95)	Debate	H.R. 956	Product Liability Reform	A: voice vote (3/8/95).
H. Res. 109 (3/8/95)	MC			PQ: 234–191 A: 247–181 (3/9/95).
H. Res. 115 (3/14/95)	MO	H.R. 1159	Making Emergency Supp. Approps	A: 242–190 (3/15/95).
H. Res. 116 (3/15/95)	MC	H.J. Res. 73	Term Limits Const. Amdt	A: voice vote (3/28/95).
H. Res. 117 (3/16/95)	Debate	H.R. 4	Personal Responsibility Act of 1995	A: voice vote (3/21/95).
H. Res. 119 (3/21/95)	MC			A: 217–211 (3/22/95).
H. Res. 125 (4/3/95)	O	H.R. 1271	Family Privacy Protection Act	A: 423–1 (4/4/95).
H. Res. 126 (4/3/95)	O	H.R. 660	Older Persons Housing Act	A: voice vote (4/6/95).
H. Res. 128 (4/4/95)	MC	H.R. 1215	Contract With America Tax Relief Act of 1995	A: 228–204 (4/5/95).
H. Res. 130 (4/5/95)	MC	H.R. 483	Medicare Select Expansion	A: 253–172 (4/6/95).
H. Res. 136 (5/1/95)	O	H.R. 655	Hydrogen Future Act of 1995	A: voice vote (5/2/95).
H. Res. 139 (5/3/95)	O	H.R. 1361	Coast Guard Auth. FY 1996	A: voice vote (5/9/95).
H. Res. 140 (5/9/95)	O	H.R. 961	Clean Water Amendments	A: 414–4 (5/10/95).
H. Res. 144 (5/11/95)	O	H.R. 535	Fish Hatchery—Arkansas	A: voice vote (5/15/95).
H. Res. 145 (5/11/95)	O	H.R. 584	Fish Hatchery—Iowa	A: voice vote (5/15/95).
H. Res. 146 (5/11/95)	O	H.R. 614	Fish Hatchery—Minnesota	A: voice vote (5/15/95).
H. Res. 149 (5/16/95)	MC	H. Con. Res. 67	Budget Resolution FY 1996	PQ: 252–170 A: 255–168 (5/17/95).
H. Res. 155 (5/22/95)	MO	H.R. 1561	American Overseas Interests Act	A: 233–176 (5/23/95).
H. Res. 164 (6/8/95)	MC	H.R. 1530	Nat. Defense Auth. FY 1996	PQ: 225–191 A: 233–183 (6/13/95).
H. Res. 167 (6/15/95)	O	H.R. 1817	MilCon Appropriations FY 1996	PQ: 223–180 A: 245–155 (6/16/95).
H. Res. 169 (6/19/95)	MC	H.R. 1854	Leg. Branch Approps. FY 1996	PQ: 232–196 A: 236–191 (6/20/95).
H. Res. 170 (6/20/95)	O	H.R. 1868	For. Ops. Approps. FY 1996	PQ: 221–178 A: 217–175 (6/22/95).
H. Res. 171 (6/22/95)	O	H.R. 1905	Energy & Water Approps. FY 1996	A: voice vote (7/12/95).
H. Res. 173 (6/27/95)	C	H.J. Res. 79	Flag Constitutional Amendment	PQ: 258–170 A: 271–152 (6/28/95).
H. Res. 176 (6/28/95)	MC	H.R. 1944	Emer. Supp. Approps	PQ: 236–194 A: 234–192 (6/29/95).
H. Res. 185 (7/11/95)	O	H.R. 1977	Interior Approps. FY 1996	PQ: 235–193 D: 192–238 (7/12/95).
H. Res. 187 (7/12/95)	O	H.R. 1977	Interior Approps. FY 1996 #2	PQ: 230–194 A: 229–195 (7/13/95).
H. Res. 188 (7/12/95)	O	H.R. 1976	Agriculture Approps. FY 1996	PQ: 242–185 A: voice vote (7/18/95).
H. Res. 190 (7/17/95)	O	H.R. 2020	Treasury/Postal Approps. FY 1996	PQ: 232–192 A: voice vote (7/18/95).
H. Res. 193 (7/19/95)	C	H.J. Res. 96	Disapproval of MFN to China	A: voice vote (7/20/95).
H. Res. 194 (7/19/95)	O	H.R. 2002	Transportation Approps. FY 1996	PQ: 217–202 (7/21/95).
H. Res. 197 (7/21/95)	O	H.R. 70	Exports of Alaskan Crude Oil	A: voice vote (7/24/95).
H. Res. 198 (7/21/95)	O	H.R. 2076	Commerce, State Approps. FY 1996	A: voice vote (7/25/95).
H. Res. 201 (7/25/95)	O	H.R. 2099	VA/HUD Approps. FY 1996	A: 230–189 (7/25/95).
H. Res. 204 (7/28/95)	MC	S. 21	Terminating U.S. Arms Embargo on Bosnia	A: voice vote (8/1/95).
H. Res. 205 (7/28/95)	O	H.R. 2126	Defense Approps. FY 1996	A: 409–1 (7/31/95).
H. Res. 207 (8/1/95)	MC	H.R. 1555	Communications Act of 1995	A: 255–156 (8/2/95).
H. Res. 208 (8/1/95)	O	H.R. 2127	Labor, HHS Approps. FY 1996	A: 323–104 (8/2/95).
H. Res. 215 (9/7/95)	O	H.R. 1594	Economically Targeted Investments	A: voice vote (9/12/95).
H. Res. 216 (9/7/95)	MO	H.R. 1655	Intelligence Authorization FY 1996	A: voice vote (9/12/95).
H. Res. 218 (9/12/95)	O	H.R. 1162	Deficit Reduction Lockbox	A: voice vote (9/13/95).
H. Res. 219 (9/12/95)	O	H.R. 1670	Federal Acquisition Reform Act	A: 414–0 (9/13/95).
H. Res. 222 (9/18/95)	O	H.R. 1617	CAREERS Act	A: 388–2 (9/19/95).
H. Res. 224 (9/19/95)	O	H.R. 2274	Natl. Highway System	PQ: 241–173 A: 375–39–1 (9/20/95).
H. Res. 225 (9/19/95)	MC	H.R. 927	Cuban Liberty & Dem. Solidarity	A: 304–118 (9/20/95).
H. Res. 226 (9/21/95)	O	H.R. 743	Team Act	A: 344–66–1 (9/27/95).
H. Res. 227 (9/21/95)	O	H.R. 1170	3-Judge Court	A: voice vote (9/28/95).
H. Res. 228 (9/21/95)	O	H.R. 1601	Internatl. Space Station	A: voice vote (9/27/95).
H. Res. 230 (9/27/95)	C	H.J. Res. 108	Continuing Resolution FY 1996	A: voice vote (9/28/95).
H. Res. 234 (9/29/95)	O	H.R. 2405	Omnibus Science Auth	A: voice vote (10/11/95).
H. Res. 237 (10/17/95)	MC	H.R. 2259	Disapprove Sentencing Guidelines	A: voice vote (10/18/95).
H. Res. 238 (10/18/95)	MC	H.R. 2425	Medicare Preservation Act	PQ: 231–194 A: 227–192 (10/19/95).
H. Res. 239 (10/19/95)	C	H.R. 2492	Leg. Branch Approps	PQ: 235–184 A: voice vote (10/31/95).
H. Res. 245 (10/25/95)	MC	H. Con. Res. 109	Social Security Earnings Reform	PQ: 228–191 A: 235–185 (10/26/95).
		H.R. 2491	Seven-Year Balanced Budget	
H. Res. 251 (10/31/95)	C	H.R. 1833	Partial Birth Abortion Ban	A: 237–190 (11/1/95).
H. Res. 252 (10/31/95)	MO	H.R. 2546	D.C. Approps.	A: 241–181 (11/1/95).
H. Res. 257 (11/7/95)	C	H.J. Res. 115	Cont. Res. FY 1996	A: 216–210 (11/8/95).
H. Res. 258 (11/8/95)	MC	H.R. 2586	Debt Limit	A: 220–200 (11/10/95).
H. Res. 259 (11/9/95)	O	H.R. 2539	ICC Termination Act	A: voice vote (11/14/95).
H. Res. 262 (11/9/95)	C	H.R. 2586	Increase Debt Limit	A: 220–185 (11/10/95).
H. Res. 269 (11/15/95)	O	H.R. 2564	Lobbying Reform	A: voice vote (11/16/95).
H. Res. 270 (11/15/95)	C	H.J. Res. 122	Further Cont. Resolution	A: 249–176 (11/15/95).
H. Res. 273 (11/16/95)	MC	H.R. 2606	Prohibition on Funds for Bosnia	A: 239–181 (11/17/95).
H. Res. 284 (11/29/95)	O	H.R. 1788	Amtrak Reform	A: voice vote (11/30/95).
H. Res. 287 (11/30/95)	O	H.R. 1350	Maritime Security Act	A: voice vote (12/6/95).
H. Res. 293 (12/7/95)	C	H.R. 2621	Protect Federal Trust Funds	PQ: 223–183 A: 228–184 (12/14/95).
H. Res. 303 (12/13/95)	O	H.R. 1745	Utah Public Lands	PQ: 221–197 A: voice vote (5/15/96).
H. Res. 309 (12/18/95)	C	H. Con. Res. 122	Budget Res. W/President	PQ: 230–188 A: 229–189 (12/19/95).

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS—Continued

[As of July 9, 1996]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 313 (12/19/95)	O	H.R. 558	Texas Low-Level Radioactive	A: voice vote (12/20/95).
H. Res. 323 (12/21/95)	C	H.R. 2677	Natl. Parks & Wildlife Refuge	Tabled (2/28/96).
H. Res. 366 (2/27/96)	MC	H.R. 2854	Farm Bill	PQ: 228–182 A: 244–168 (2/28/96).
H. Res. 368 (2/28/96)	O	H.R. 994	Small Business Growth	Tabled (4/17/96).
H. Res. 371 (3/6/96)	C	H.R. 3021	Debt Limit Increase	A: voice vote (3/7/96).
H. Res. 372 (3/6/96)	MC	H.R. 3019	Cont. Approps. FY 1996	PQ: voice vote A: 235–175 (3/7/96).
H. Res. 380 (3/12/96)	C	H.R. 2703	Effective Death Penalty	A: 251–157 (3/13/96).
H. Res. 384 (3/14/96)	MC	H.R. 2202	Immigration	PQ: 233–152 A: voice vote (3/19/96).
H. Res. 386 (3/20/96)	C	H.J. Res. 165	Further Cont. Approps	PQ: 234–187 A: 237–183 (3/21/96).
H. Res. 388 (3/21/96)	C	H.R. 125	Gun Crime Enforcement	A: 244–166 (3/22/96).
H. Res. 391 (3/27/96)	C	H.R. 3136	Contract w/America Advancement	PQ: 232–180 A: 232–177, (3/28/96).
H. Res. 392 (3/27/96)	MC	H.R. 3103	Health Coverage Affordability	PQ: 229–186 A: Voice Vote (3/29/96).
H. Res. 395 (3/29/96)	MC	H.J. Res. 159	Tax Limitation Const. Amdmt.	PQ: 232–168 A: 234–162 (4/15/96).
H. Res. 396 (3/29/96)	O	H.R. 842	Truth in Budgeting Act	A: voice vote (4/17/96).
H. Res. 409 (4/23/96)	O	H.R. 2715	Paperwork Elimination Act	A: voice vote (4/24/96).
H. Res. 410 (4/23/96)	O	H.R. 1675	Natl. Wildlife Refuge	A: voice vote (4/24/96).
H. Res. 411 (4/23/96)	C	H.J. Res. 175	Further Cont. Approps. FY 1996	A: voice vote (4/24/96).
H. Res. 418 (4/30/96)	O	H.R. 2641	U.S. Marshals Service	PQ: 219–203 A: voice vote (5/1/96).
H. Res. 419 (4/30/96)	O	H.R. 2149	Ocean Shipping Reform	A: 422–0 (5/1/96).
H. Res. 421 (5/2/96)	O	H.R. 2974	Crimes Against Children & Elderly	A: voice vote (5/7/96).
H. Res. 422 (5/2/96)	O	H.R. 3120	Witness & Jury Tampering	A: voice vote (5/7/96).
H. Res. 426 (5/7/96)	O	H.R. 2406	U.S. Housing Act of 1996	PQ: 218–208 A: voice vote (5/8/96).
H. Res. 427 (5/7/96)	O	H.R. 3322	Omnibus Civilian Science Auth	A: voice vote (5/9/96).
H. Res. 428 (5/7/96)	MC	H.R. 3286	Adoption Promotion & Stability	A: voice vote (5/9/96).
H. Res. 430 (5/9/96)	S	H.R. 3230	DoD Auth. FY 1997	A: 235–149 (5/10/96).
H. Res. 435 (5/15/96)	MC	H. Con. Res. 178	Con. Res. on the Budget, 1997	PQ: 227–196 A: voice vote (5/16/96).
H. Res. 436 (5/16/96)	C	H.R. 3415	Repeal 4.3 cent fuel tax	PQ: 221–181 A: voice vote (5/21/96).
H. Res. 437 (5/16/96)	MO	H.R. 3259	Intell. Auth. FY 1997	A: voice vote (5/21/96).
H. Res. 438 (5/16/96)	MC	H.R. 3144	Defend America Act	
H. Res. 440 (5/21/96)	MC	H.R. 3448	Small Bus. Job Protection	A: 219–211 (5/22/96).
	MC	H.R. 1227	Employee Commuting Flexibility	
H. Res. 442 (5/29/96)	O	H.R. 3517	Mil. Const. Approps. FY 1997	A: voice vote (5/30/96).
H. Res. 445 (5/30/96)	O	H.R. 3540	For. Ops. Approps. FY 1997	A: voice vote (6/5/96).
H. Res. 446 (6/5/96)	MC	H.R. 3562	WI Works Waiver Approval	A: 363–59 (6/6/96).
H. Res. 448 (6/6/96)	MC	H.R. 2754	Shipbuilding Trade Agreement	A: voice vote (6/12/96).
H. Res. 451 (6/10/96)	O	H.R. 3603	Agriculture Appropriations, FY 1997	A: voice vote (6/11/96).
H. Res. 453 (6/12/96)	O	H.R. 3610	Defense Appropriations, FY 1997	A: voice vote (6/13/96).
H. Res. 455 (6/18/96)	O	H.R. 3662	Interior Approps, FY 1997	A: voice vote (6/19/96).
H. Res. 456 (6/19/96)	O	H.R. 3666	VA/HUD Approps	A: 246–166 (6/25/96).
H. Res. 460 (6/25/96)	O	H.R. 3675	Transportation Approps	A: voice vote (6/26/96).
H. Res. 472 (7/9/96)	MC	H.R. 3755	Labor/HHS Approps	
H. Res. 473 (7/9/96)	O	H.R. 3754	Leg. Branch Approps	

Codes: O-open rule; MO-modified open rule; MC-modified closed rule; S/C-structured/closed rule; A-adoption vote; D-defeated; PQ-previous question vote. Source: Notices of Action Taken, Committee on Rules, 104th Congress.

Mr. DREIER. Mr. Speaker, I yield such time as he may consume to my good friend, the gentleman from Sanibel, FL [Mr. GOSS], the chairman of the Legislative Process and Budget Process Subcommittee.

(Mr. GOSS asked and was given permission to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I am in support of this rule.

I thank my friend from greater San Dimas for this time, and I rise in support of this rule for the fiscal year 1997 legislative branch appropriations bill. Mr. Speaker, this is the first appropriations bill this year that has not been given an open rule—and in all likelihood it will be the only structured rule we see for a spending bill this year. Yet this is a fair rule making in order a mix of eight amendments from both sides of the aisle. In fact, most of the amendments that the Rules Committee did not make in order would not have been allowed under an open rule process.

That is not to say that I disagree with much of what Members sought to do in those amendments. For instance, I strongly support reforms in the area of Congressional pensions, and I am a cosponsor of legislation to cap the accrual of pension benefits at 12 years. I think this would demonstrate in good faith to the American taxpayer that personal financial gain is not an incentive to run for office. However, there is simply no funding in this to address this issue through an amendment to this bill. I look forward to making progress in this area through the appropriate authorizing committees in the future.

That having been said, I would like to congratulate Chairman PACKARD and the members of the Appropriations Committee for building on the reforms we began last year. We have seen dramatic changes in the way this Congress has been run—we are doing more with less, and we are committed to living within our means after decades of expansion. I am particularly pleased that the bill before us cuts a further 2.2 percent from last year's appropriated levels—a savings of over $37 million. These reforms, and others in the bill, are very important to restoring Americans' faith in Congress and our commitment to accountability and a balanced budget.

I would urge my colleagues to support this fair rule.

Mr. DREIER. Mr. Speaker, I urge a ''yes'' vote on this rule, and I reserve the balance of my time.

Mr. BEILENSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from California [Mr. DREIER] for yielding me the customary half hour of debate time.

Mr. Speaker, the rule before us is, in general, fair, and appropriate for consideration of a legislative branch appropriations bill. It makes in order eight amendments, three of which are to be offered by Members from this side of the aisle. Each of the eight amendments would be debatable for specified amounts of time.

However, we have one serious disagreement with the majority over this rule, in that it does not make in order a very important amendment that the gentleman from California [Mr. FAZIO] would like to offer. Mr. FAZIO's amendment would reverse the unfair and unwise policy adopted by the House Oversight Committee on May 23 which prohibits minority members of a committee from establishing their own World Wide Web site on the Internet, separate from the Web site established and controlled by the committee's majority members.

Prohibiting minority members of a committee from establishing their own Web site restricts the right of members to present materials in the manner they wish, and to make that information as accessible as possible for Internet users. Rather than being able to find Democratic committee members' materials directly, Internet users may have to scroll through long committee tables of contents before reaching the minority's listing.

Even worse, if majority members of a committee decide not to establish a Web site at all, or decide to terminate an existing Web site, minority members of the committee will be unable to post information on the Internet themselves.

At the Rules Committee meeting on this rule yesterday, the gentleman from California [Mr. PACKARD] argued that the House Oversight Committee's policy on committee use of the Internet was analogous to the handling of committee reports, where minority members do not issue separate reports, but rather may include their views at the end of the majority's report.

But in fact, Mr. Speaker, the two venues are not analogous at all. Committee reports are issued for a designated purpose—usually to explain a bill—and have content requirements. And minority views can be found quickly and easily by turning to the end of the report.

World Wide Web sites, on the other hand, are completed free-form. Those

who establish sites are able to put anything they want on them, and in any fashion. Typically, committees post background information and pictures of committee members, committee rules and procedures, press releases, speeches by the chairman—all sorts of things. If minority Web pages are inserted somewhere in the mix of all that, they are likely to receive much less attention than they would if they were presented on a separate Web site, where the format could be designed as the minority wishes.

We ask our Republican friends to consider whether this is the policy they would want to live under if they were in the minority, as they were during the last Congress and will be again, sooner or later, in the future. Our guess is that it is not.

On more point on this matter: the majority has argued that even if they believe the membership should consider this amendment, it would not be appropriate to allow it as part of the debate on this appropriations, bill, since the committee of jurisdiction—in this case, the House Oversight Committee—objects to making it in order. As a general rule, we agree with the policy, which was established when Democrats controlled the House, of not allowing amendments in such cases.

However, in this particular case, Mr. Speaker, there will not be an opportunity to address this issue, since the policy is one that exists as a directive from the House Oversight Committee, and does not require the approval of the full House. The legislative branch appropriations bill is thus the only vehicle we see for resolving this matter.

There is one further matter I would like to point out about the rule, if I may, Mr. Speaker, and that is that it waives two important provisions of the Budget Act: section 302, which prohibits consideration of legislation which exceeds a committee's allocation of new entitlement authority, and section 308, which requires a cost estimate in committee reports on new entitlement authority. These waivers cover the bill's provisions dealing with the pay of the director of the Congressional Budget Office.

While there are legitimate reasons for providing these waivers, we mention this matter because we have noticed that Budget Act waivers seem to be increasingly common in the rules that are being issued by the Rules Committee. We want to take this opportunity to urge committees to make every effort to comply with the provisions of the Budget Act and the Rules of the House, and to urge the majority members of the Rules Committee to avoid getting into the habit of waiving these important safeguards on a routine basis.

Finally, Mr. Speaker, with respect to the bill that this rule makes in order, we believe that it deserves the support of the House. In general, it provides an adequate, though not generous, amount of funding for Congress to fulfill its responsibilities. After 4 years of cutting positions to a point where we now have almost 20 percent fewer staff members in the legislative branch than we had in fiscal 1992, we believe that the Appropriations Committee has acted responsibly by not reducing funding for staff further, except with respect to the General Accounting Office, where a 2-year, 25-percent reduction in staffing is continued through this legislation.

□ 1200

Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

Mr. DREIER. Mr. Speaker, I urge an ''aye'' vote on the rule, and an ''aye'' vote on the bill, which will be beautifully managed by my colleague, the gentleman from California [Mr. PACKARD].

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. EWING). Without objection, the previous question is ordered on the resolution.

There was no objection.

The SPEAKER pro tempore. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DREIER. Mr. Speaker, I ask unanimous consent all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on House Resolution 473.

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

There was no objection.

COST OF GOVERNMENT DAY

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the concurrent resolution, House Concurrent Resolution 193.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania [Mr. CLINGER] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 193, on which the yeas and nays are ordered.

Pursuant to clause 5 of rule I, the Chair will reduce to a minimum of 5 minutes the time for a recorded vote, if ordered, on the question of the Speaker's approval of the Journal.

The vote was taken by electronic device, and there were—yeas 376, nays 23, not voting 34, as follows:

[Roll No. 293]

YEAS—376

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Blumenauer
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clement
Clinger
Clyburn
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Costello
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cummings
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Deutsch
Diaz-Balart
Dicks
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Durbin
Edwards
Ehlers
Ehrlich
Engel
English
Ensign
Eshoo
Evans
Ewing
Farr
Fattah
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flake
Flanagan
Forbes
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green (TX)
Greene (UT)
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Heineman
Herger
Hilliard
Hinchey
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McHale
McHugh
McInnis
McIntosh
McKeon
McNulty
Menendez
Metcalf
Meyers
Mica
Millender-McDonald
Miller (FL)
Minge
Mink
Moakley
Molinari
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Nussle
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Peterson (FL)
Peterson (MN)
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Radanovich
Rahall
Ramstad
Rangel

Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roybal-Allard
Royce
Rush
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Stokes
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Towns
Traficant
Upton
Velazquez
Vento
Visclosky
Vucanovich
Walker
Walsh
Wamp
Ward
Watts (OK)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wynn
Yates
Young (AK)
Zeliff

NAYS—23

Becerra
Beilenson
Brown (FL)
Coleman
Collins (IL)
Collins (MI)
Conyers
Coyne
Dellums
Dingell
Foglietta
Johnson, E. B.
McDermott
Meek
Miller (CA)
Mollohan
Oberstar
Pelosi
Stark
Thompson
Volkmer
Waters
Waxman

NOT VOTING—34

Bishop
Clay
Clayton
Dickey
Dunn
Everett
Foley
Ford
Gibbons
Hall (OH)
Hayes
Hilleary
Hobson
Johnston
Kaptur
Lincoln
Manton
McDade
McKinney
Meehan
Norwood
Obey
Petri
Quinn
Roukema
Sabo
Tejeda
Torricelli
Watt (NC)
Weldon (FL)
Williams
Wise
Young (FL)
Zimmer

□ 1227

Mrs. COLLINS of Illinois, Ms. PELOSI, and Mr. BECERRA changed their vote from ''yea'' to ''nay.''

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. DICKEY. Mr. Speaker, on rollcall No. 293, I was absent because of the malfunction of my beeper. Had I been present, I would have voted ''yes.''

PERSONAL EXPLANATION

Mr. WELDON of Florida. Mr. Speaker, on rollcall No. 293, I was unavoidably detained. Had I been present, I would have voted ''yes.''

PERSONAL EXPLANATION

Mr. EVERETT. Mr. Speaker, on rollcall No. 293, I was inadvertently detained. Had I been present, I would have voted ''yes.''

PERSONAL EXPLANATION

Mr. QUINN. Mr. Speaker, I was unavoidably detained this afternoon and was therefore unable to cast my vote in support of House Concurrent Resolution 193, the Cost of Government Day Resolution.

House Concurrent Resolution 193 expresses the sense of Congress that the cost of Government spending should be reduced so that American families will be able to keep more of what they earn. Throughout my tenure in the House of Representatives, I have been committed to balancing the budget by eliminating wasteful Government spending. I therefore would like to express my strong support for this resolution which commemorates July 3, 1996, as Cost of Government Day.

It is an injustice that western New Yorkers and all Americans are forced to give up more than 50 percent of what they earn to the Government. Out of 366 days in 1996, the average American will work 184.6 days to support the total cost of Government, leaving 181 days of work to support their families.

THE JOURNAL

The SPEAKER pro tempore (Mr. EWING). Pursuant to clause 5 of rule I, the pending business is the question of the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. KLUG. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 342, noes 53, answered ''present'' 1, not voting 37, as follows:

[Roll No. 294]

AYES—342

Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Blumenauer
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Boucher
Browder
Brown (FL)
Brownback
Bryant (TN)
Bryant (TX)
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clement
Clinger
Coble
Collins (GA)
Collins (IL)
Combest
Condit
Conyers
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cummings
Cunningham
Danner
Davis
de la Garza
Deal
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dicks
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Durbin
Edwards
Ehlers
Ehrlich
Engel
Eshoo
Evans
Ewing
Farr
Fattah
Fawell
Fields (LA)
Fields (TX)
Flake
Flanagan
Foglietta
Forbes
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green (TX)
Greene (UT)
Greenwood
Gunderson
Gutierrez
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefner
Herger
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Jackson (IL)
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Mascara
Matsui
McCarthy
McCollum
McCrery
McDermott
McHale
McHugh
McInnis
McKeon
McNulty
Metcalf
Meyers
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Nussle
Olver
Ortiz
Orton
Owens
Oxley
Packard
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Thomas
Thornberry
Thornton
Thurman
Tiahrt
Torres
Towns
Traficant
Upton
Vucanovich
Walker
Walsh
Wamp
Ward
Waxman
Weldon (PA)
White
Whitfield
Wicker
Wilson
Woolsey
Wynn
Yates
Young (AK)
Zeliff

NOES—53

Abercrombie
Borski
Brown (CA)
Brown (OH)
Clyburn
Coleman
Collins (MI)
DeFazio
Dingell
English
Ensign
Fazio
Filner
Fox
Funderburk
Gephardt
Geren
Gutknecht
Hastings (FL)
Hefley
Heineman
Hilliard
Hinchey
Hoke
Jackson-Lee (TX)
Jacobs
Latham
Levin
Lewis (GA)
Longley
Martinez
Martini
Meek
Menendez
Oberstar
Pallone
Pickett
Pombo
Rush
Schroeder
Slaughter
Stockman
Taylor (MS)
Thompson
Torkildsen
Velazquez
Vento
Visclosky
Volkmer
Waters
Watts (OK)
Weller
Wolf

ANSWERED ''PRESENT''—1

Harman

NOT VOTING—37

Bishop
Brewster
Bunn
Clay
Clayton
Coburn
Dickey
Dunn
Everett
Foley
Ford
Gibbons
Hall (OH)
Hayes
Hilleary
Istook
Johnston
Kaptur
Lincoln
McDade
McIntosh
McKinney
Meehan
Norwood
Obey
Petri
Quinn
Sabo
Taylor (NC)
Tejeda
Torricelli

Watt (NC)	Williams	Young (FL)
Weldon (FL)	Wise	Zimmer

□ 1235

So the Journal was approved.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. DICKEY. Mr. Speaker, on rollcall No. 294. I was absent because of the malfunction of my beeper. Had I been present, I would have voted ''aye.''

PERSONAL EXPLANATION

Mr. EVERETT. Mr. Speaker, on rollcall No. 294, I was inadvertently detained. Had I been present, I would have voted ''aye.''

PERSONAL EXPLANATION

Mr. WELDON of Florida. Mr. Speaker, on rollcall No. 294, I was unavoidably detained. Had I been present, I would have voted ''aye.''

PERMISSION FOR MEMBER TO OFFER AMENDMENT TO H.R. 3754, LEGISLATIVE BRANCH APPROPRIATIONS ACT, 1997, NOTWITHSTANDING HOUSE RESOLUTION 473

Mr. PACKARD. Mr. Speaker, I ask unanimous consent that during consideration of H.R. 3754, pursuant to House Resolution 473, it may be in order at any time to consider the amendment offered by the gentleman from California [Mr. PACKARD] as though it were an amendment printed in House Report 104–663 and that the time for debate be limited to 10 minutes.

The SPEAKER pro tempore (Mr. EWING). The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. PACKARD: On page 32, at the end of line 17, add the following: (c) If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a ''Made in America'' inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, such person shall be ineligible to receive any contract or subcontract made with funds provided pursuant to this Act, pursuant to the debarment, suspension, and ineligibility procedures described in section 9.400 through 9.409 of title 48, Code of Federal Regulations.

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

Mr. THORNTON. Mr. Speaker, reserving the right to object, I rise to inquire of the chairman if this is the amendment which the gentleman from Ohio [Mr. TRAFICANT] discussed with me and with the gentleman before?

Mr. PACKARD. Mr. Speaker, will the gentleman yield?

Mr. THORNTON. I yield to the gentleman from California.

Mr. PACKARD. Mr. Speaker, the gentleman is correct. This is a buy American amendment offered by the gentleman from Ohio [Mr. TRAFICANT].

Mr. THORNTON. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

GENERAL LEAVE

Mr. PACKARD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill, H.R. 3754, making appropriations for the legislative branch for the fiscal year ending September 30, 1997, and for other purposes, and that I may include tabular and extraneous material and charts.

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

There was no objection.

LEGISLATIVE BRANCH APPROPRIATIONS ACT, 1997

The SPEAKER pro tempore. Pursuant to House Resolution 473 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for consideration of the bill, H.R. 3754.

□ 1240

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3754) making appropriations for the legislative branch for the fiscal year ending September 30, 1997, and for other purposes, with Mr. LINDER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from California [Mr. PACKARD] and the gentleman from Arkansas [Mr. THORNTON] each will control 30 minutes.

The Chair recognizes the gentleman from California [Mr. PACKARD].

Mr. PACKARD. Mr. Chairman, I yield myself such time as I may consume.

This bill continues the program we began last year to right size the legislative branch of government. We are trying to become more efficient with a smaller work force and by using technology wherever possible as long as it helps to do our job better.

The bill cuts legislative spending for 1997 by $37.4 million. That continues the tone set in the 1996 bill over the last 2-year period. The size of the legislative branch has been reduced by $262 million over the last 2 years.

We have also reduced our work force by 1,753 jobs over the last 2-year period, 726 in this year's bill alone. That is a reduction of 6.8 percent of the entire legislative branch work force in a 2-year period.

The CBO has indicated through their calculations that, if the entire Federal budget were to be reduced in the same proportion as this committee has reduced the legislative branch budget, we would have a $100 billion surplus in our Federal budget and it would be balanced already. We would make a $100 billion down payment on the national debt, if all other agencies and programs were cut the same level that we have cut ourselves. This is just based on a straightforward extrapolation, but it indicates, I think, the magnitude of the efforts that we have taken in reducing the size and the cost of the legislative branch of government.

In specifics, this bill will make permanent law the 90-day prohibition on mass mailing, unsolicited mass mailing before elections. The bill also will fund the CyberCongress, in other words, the computer and telecommunications and information services of Congress. We will be spending about $211 million in this bill in that area. That is 12.5 percent of the entire legislative budget on this whole area of information and telecommunications and the CyberCongress.

Also, in this year's bill we are completing the downsizing of the General Accounting Office by 25 percent. That is a 2-year process, this being the final year of that process.

We have also converted the permanent edition of the bound CONGRESSIONAL RECORD, a 26-volume document, to CD ROM. That will expedite the research possibilities for Members of Congress and researchers in general, and it will also save about $1 million a year. We are also converting the congressional serial set, a 60-volume document, to the CD ROM, the electronic information process. That, too, will save about $1 million a year.

We are also outsourcing the custodial work at the Ford House Office Building. We are conducting studies to outsource our maintenance and operational work at the powerplant, the congressional powerplant. We are also looking to privatize the Government Printing Office plant more, and the Botanic Garden.

□ 1245

We are also looking to further the public-private collaboration of the National Library Digital Program.

All in all we have made great strides in the right direction to bring about fiscal responsibility to the Congress of the United States and to those agencies that are here to support the Congress of the United States.

We also are funding the mandatories in this bill; that is, the COLA's for staff, salary and the benefit packages for staff and Federal workers in the Congress. And that, I think, is a must.

We are also funding the 1997 inaugural ceremonies at the Capitol, the joint inaugural committee, which we must do every 4 years after the election of a new President.

All in all we are very proud of this bill; we think it moves in the right direction.

Laster on today we will be hearing amendments, one of which is to cut

this bill by almost 2 percent, 1.9 percent. I urge the Members of Congress to realize that this bill already makes major cuts, and has over the last 2 years. No appropriations bill has cut to the level that the legislative branch has cut themselves. It would be irresponsible, I think, to cut ourselves across the board. That would include books for the blind, that would include the staff, the cost of staffing our offices. It would include the CyberCongress, it would include the police, the physicians, and every phase, every part, of this bill would be cut by almost 2 percent after we have already cut ourselves over the last 2 years by almost 12 percent, and that is 12 percent of the dollar amount of the 1995 budget year.

Mr. Chairman, it would be absolutely irresponsible, I believe, for us to inflict upon ourselves further cuts when we have set the pattern for cutting back the size of government. And, frankly, it would hurt deeply the Library of Congress, the General Accounting Office, which has accepted a 25 percent cut already over the last 2 years. To ask them to absorb another 2 percent cut again would be a bad-faith effort on the Congress after I have negotiated with the General Accounting Office to work toward this 25 percent. It would be, I think, catastrophic, and I would hope that all Members of Congress would resist this amendment of across-the-board cutting of Congress.

Mr. Chairman, I want to express my deep appreciation to the new ranking member of this subcommittee, the gentleman from Arkansas [Mr. THORNTON]. He has been a member of the committee and been an extremely active and very, very faithful member of the committee. He has now moved to become the ranking member, and it is a great pleasure on my part to work with him. He has been a great help in crafting this bill and been very supportive of the general efforts that we have tried to make in this bill, and it is a pleasure to work with him.

I also wish to express my deep appreciation to the gentleman from California [Mr. FAZIO] who is the former chairman of this subcommittee, but also the former ranking member. He has been a great help over the years in this bill, and I wish to thank him for his cooperation.

Under leave I have already obtained, I would like to insert a tabulation of the amounts in the bill:

FY 1997 - LEGISLATIVE BRANCH APPROPRIATIONS BILL (H.R. 3754)

	FY 1996 Enacted	FY 1997 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
TITLE I - CONGRESSIONAL OPERATIONS					
HOUSE OF REPRESENTATIVES					
Salaries and Expenses					
House Leadership Offices					
Office of the Speaker	1,478,000	1,621,000	1,535,000	+57,000	-86,000
Office of the Majority Floor Leader	1,470,000	1,561,000	1,526,000	+56,000	-35,000
Office of the Minority Floor Leader	1,480,000	1,574,000	1,534,000	+54,000	-40,000
Office of the Majority Whip	928,000	976,000	957,000	+29,000	-19,000
Office of the Minority Whip	918,000	963,000	949,000	+31,000	-14,000
Speaker's Office for Legislative Floor Activities	376,000	385,000	376,000	.....	-9,000
House Republican Steering Committee	664,000	681,000	664,000	.....	-17,000
House Republican Conference	1,083,000	1,146,000	1,130,000	+47,000	-16,000
House Democratic Steering and Policy Committee	1,181,000	1,211,000	1,191,000	+10,000	-20,000
House Democratic Caucus	566,000	616,000	603,000	+37,000	-13,000
Nine minority employees	1,127,000	1,155,000	1,127,000	.....	-28,000
Subtotal, House Leadership Offices	11,271,000	11,889,000	11,592,000	+321,000	-297,000
Members' Representational Allowances					
Expenses	360,503,000	398,898,000	363,313,000	+2,810,000	-35,585,000
Committee Employees					
Standing Committees, Special and Select (except Appropriations)	78,629,000	80,524,000	80,222,000	+1,593,000	-302,000
Committee on Appropriations (including studies and investigations)	16,945,000	18,430,000	17,580,000	+635,000	-850,000
Subtotal, Committee employees	95,574,000	98,954,000	97,802,000	+2,228,000	-1,152,000
Salaries, Officers and Employees					
Office of the Clerk	13,807,000	15,370,000	15,074,000	+1,267,000	-296,000
Office of the Sergeant at Arms	3,410,000	3,889,000	3,638,000	+228,000	-251,000
Office of the Chief Administrative Officer	53,556,000	70,464,000	55,209,000	+1,653,000	-15,255,000
Office of Inspector General	3,954,000	4,048,000	3,954,000	.....	-94,000
Office of Compliance	858,000	.....	.....	-858,000	.....
Transfer to new Office of Compliance	-500,000	.....	.....	+500,000	.....
Office of the Chaplain	126,000	128,000	126,000	.....	-2,000
Office of the Parliamentarian	1,180,000	1,036,000	1,036,000	-144,000	.....
Office of the Parliamentarian	(775,000)	(713,000)	(713,000)	(-62,000)	.....
Compilation of precedents of the House of Representatives	(405,000)	(323,000)	(323,000)	(-82,000)	.....
Office of the Law Revision Counsel of the House	1,700,000	1,817,000	1,767,000	+67,000	-50,000
Office of the Legislative Counsel of the House	4,524,000	4,763,000	4,687,000	+163,000	-76,000
Other authorized employees	837,000	1,000,000	768,000	-69,000	-232,000
Former Speakers [1]	(666,000)	(825,000)	(594,000)	(-72,000)	(-231,000)
Technical Assistants, Office of the Attending Physician	(171,000)	(175,000)	(174,000)	(+3,000)	(-1,000)
Subtotal, Salaries, Officers and Employees	83,452,000	102,515,000	86,259,000	+2,807,000	-16,256,000
Allowances and Expenses					
Supplies, materials, administrative costs and Federal tort claims	994,000	2,301,000	2,374,000	+1,380,000	+73,000
Official mail (committees, leadership, administrative and legislative offices)	1,000,000	1,000,000	1,000,000	.....	.....
Reemployed annuitants reimbursements	68,000	71,000	71,000	+3,000	.....
Government contributions	117,541,000	122,508,000	120,779,000	+3,238,000	-1,729,000
Miscellaneous items	658,000	641,000	641,000	-17,000	.....
Subtotal, Allowances and expenses	120,261,000	126,521,000	124,865,000	+4,604,000	-1,656,000
Total, House of Representatives	671,061,000	738,777,000	683,831,000	+12,770,000	-54,946,000
JOINT ITEMS					
Joint Committee on Inaugural Ceremonies of 1997	.....	950,000	950,000	+950,000	.....
Joint Economic Committee	3,000,000	3,000,000	3,000,000	.....	.....
Joint Committee on Printing	750,000	777,000	777,000	+27,000	.....
Joint Committee on Taxation	5,116,000	7,716,000	5,470,000	+354,000	-2,246,000
Office of the Attending Physician					
Medical supplies, equipment, expenses, and allowances	1,260,000	1,225,000	1,225,000	-35,000	.....

[1] For FY 1996 and previous years, non-personnel expenses for this item were included under "Allowances and Expenses, supplies, materials, administrative costs and Federal tort claims". Beginning in FY 1997, these expenses have been consolidated under "Salaries, Officers and Employees, other authorized employees". The FY 1996 enacted amounts have been adjusted to reflect the revised funding consolidation.

FY 1997 - LEGISLATIVE BRANCH APPROPRIATIONS BILL (H.R. 3754)—Continued

	FY 1996 Enacted	FY 1997 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
Capitol Police Board					
Capitol Police					
Salaries:					
Sergeant at Arms of the House of Representatives	34,213,000	37,286,000	32,927,000	-1,286,000	-4,359,000
Sergeant at Arms and Doorkeeper of the Senate	35,919,000	39,108,000	35,465,000	-454,000	-3,643,000
Subtotal, salaries	70,132,000	76,394,000	68,392,000	-1,740,000	-8,002,000
General expenses	2,560,000	7,606,000	2,685,000	+125,000	-4,921,000
Subtotal, Capitol Police	72,692,000	84,000,000	71,077,000	-1,615,000	-12,923,000
Capitol Guide Service and Special Services Office	1,991,000	1,991,000	1,991,000	.....	.....
Statements of Appropriations	30,000	30,000	30,000	.....	.....
Total, Joint Items	84,839,000	99,689,000	84,520,000	-319,000	-15,169,000
OFFICE OF COMPLIANCE					
Salaries and expenses	2,000,000	3,268,000	2,609,000	+609,000	-659,000
Transfer from House of Rep. Office of Compliance	500,000	.....	.....	-500,000	.....
Total, Office of Compliance	2,500,000	3,268,000	2,609,000	+109,000	-659,000
OFFICE OF TECHNOLOGY ASSESSMENT					
Salaries and expenses	3,615,000	.....	.....	-3,615,000	.....
Reappropriation	2,500,000	.....	.....	-2,500,000	.....
Total, Office of Technology Assessment	6,115,000	.....	.....	-6,115,000	.....
CONGRESSIONAL BUDGET OFFICE					
Salaries and expenses	24,288,000	24,775,000	24,288,000	.....	-487,000
ARCHITECT OF THE CAPITOL					
Office of the Architect of the Capitol					
Salaries	8,569,000	8,714,000	8,454,000	-115,000	-260,000
Travel (limitation on official travel expenses)	(20,000)	(20,000)	(20,000)	.....	.....
Contingent expenses	100,000	100,000	100,000	.....	.....
Subtotal, Office of the Architect of the Capitol	8,669,000	8,814,000	8,554,000	-115,000	-260,000
Capitol Buildings and Grounds					
Capitol buildings	22,882,000	23,679,000	23,255,000	+373,000	-424,000
Capitol grounds	5,143,000	5,020,000	5,020,000	-123,000	.....
House office buildings	33,001,000	32,556,000	32,556,000	-445,000	.....
Capitol Power Plant	35,518,000	34,749,000	34,749,000	-769,000	.....
Offsetting collections	-4,000,000	-4,000,000	-4,000,000	.....	.....
Net subtotal, Capitol Power Plant	31,518,000	30,749,000	30,749,000	-769,000	.....
Subtotal, Capitol buildings and grounds	92,544,000	92,004,000	91,580,000	-964,000	-424,000
Total, Architect of the Capitol	101,213,000	100,818,000	100,134,000	-1,079,000	-684,000
LIBRARY OF CONGRESS					
Congressional Research Service					
Salaries and expenses	60,084,000	63,056,000	62,641,000	+2,557,000	-415,000
GOVERNMENT PRINTING OFFICE					
Congressional printing and binding	83,770,000	83,770,000	81,669,000	-2,101,000	-2,101,000
Total, title I, Congressional Operations	1,033,870,000	1,114,153,000	1,039,692,000	+5,822,000	-74,461,000

FY 1997 - LEGISLATIVE BRANCH APPROPRIATIONS BILL (H.R. 3754)—Continued

	FY 1996 Enacted	FY 1997 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
TITLE II - OTHER AGENCIES					
BOTANIC GARDEN					
Salaries and expenses	3,053,000	2,902,000	2,902,000	-151,000	.....
LIBRARY OF CONGRESS					
Salaries and expenses	211,664,000	226,235,000	215,007,000	+3,343,000	-11,228,000
Authority to spend receipts	-7,869,000	-7,869,000	-7,869,000	.....	.....
Net subtotal, Salaries and expenses	203,795,000	218,366,000	207,138,000	+3,343,000	-11,228,000
Copyright Office, salaries and expenses	30,818,000	34,566,000	33,402,000	+2,584,000	-1,164,000
Authority to spend receipts	-19,830,000	-22,278,000	-22,269,000	-2,439,000	+9,000
Net subtotal, Copyright Office	10,988,000	12,288,000	11,133,000	+145,000	-1,155,000
Books for the blind and physically handicapped, salaries and expenses	44,951,000	46,057,000	44,964,000	+13,000	-1,093,000
Furniture and furnishings	4,882,000	4,882,000	4,882,000	.....	.....
Total, Library of Congress (except CRS)	264,616,000	281,593,000	268,117,000	+3,501,000	-13,476,000
ARCHITECT OF THE CAPITOL					
Library Buildings and Grounds					
Structural and mechanical care	12,428,000	9,003,000	9,003,000	-3,425,000	.....
GOVERNMENT PRINTING OFFICE					
Office of Superintendent of Documents					
Salaries and expenses	30,307,000	30,827,000	29,077,000	-1,230,000	-1,750,000
GENERAL ACCOUNTING OFFICE					
Salaries and expenses	382,806,000	377,773,000	338,425,000	-44,381,000	-39,348,000
Offsetting collections	-8,400,000	-6,100,000	-5,905,000	+2,495,000	+195,000
Total, General Accounting Office	374,406,000	371,673,000	332,520,000	-41,886,000	-39,153,000
Total, title II, Other agencies	684,810,000	695,998,000	641,619,000	-43,191,000	-54,379,000
Grand total	1,718,680,000	1,810,151,000	1,681,311,000	-37,369,000	-128,840,000

Mr. PACKARD. Mr. Chairman, I reserve the balance of my time.

Mr. THORNTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me begin by saying how much I have enjoyed the privilege of working with the gentleman from California, the distinguished chairman of the subcommittee. It has truly been a bipartisan effort. We have tackled a difficult task, and we have come through it with a very austere recommendation which we bring to the floor of the House in the form of the legislative appropriation bill. If every other agency in Government as the chairman said, had done the same degree of cutting that the legislative branch has done, we would have a Federal budget surplus today in the United States.

This effort did begin under the chairmanship of my colleague from California, Mr. FAZIO, who in 1992 instituted a program for the reduction of FTE's for the legislative branch. As a result of continuing that policy under the chairmanship of the gentleman from California [Mr. PACKARD], we have reduced more than 5,500 employees from the Federal legislative branch of Government.

I also want to join my colleague, the gentleman from California [Mr. PACKARD], in opposing a further across-the-board cut of 1.9 percent. Such a cut would decimate many of the activities of the legislative branch, and the legislative branch of Government has serious responsibilities of oversight to check and balance the operations of the executive branch and of the judicial branch. I urge all of my colleagues to join me in opposing this amendment when it comes before the House.

Mr. Chairman, this is an exemplary bill. It is not a perfect bill. We have cut areas where I personally would rather have not seen us cut. I was very saddened last year when the Office of Technology Assessment, which was instituted under the Presidency of Richard Nixon and supported for all the years in between, was brought to an end. But it was one of the cuts that had to be made in order to bring the legislative branch to this meeting today having already accomplished its entire goal in 2 years of reductions needed to reach a balanced budget in 7 years.

I commend the subcommittee, the full Committee on Appropriations, for their work.

Mr. Chairman, I reserve the balance of my time.

Mr. PACKARD. Mr. Chairman, I yield 5 minutes to the gentleman from Florida [Mr. MILLER] who serves on the subcommittee.

Mr. MILLER of Florida. Mr. Chairman, I rise today in strong support of this appropriation bill. It has been a pleasure to serve on this particular subcommittee because we have accomplished what our goals have been, which are reducing the size and scope of the Government and reducing the amount of money we spend here in Washington.

This bill sends an immensely important signal to our constituents back home. Our efforts to reduce the size and scope of the Federal Government starts with ourselves, and for the second year in a row we cut the taxpayer burden of running Congress.

This bill is significant because it continues to build on the successes previously achieved. We not only continue to cut spending, but we also continue to bring the House of Representatives into the 21st century.

In this subcommittee last year we cut over 9 percent from the legislative branch appropriation. This is $154 million that we saved the American taxpayers, and that is a very significant contribution. If every subcommittee had been able to cut their budgets proportionately, as the previous speaker said, the Federal budget would show a surplus today.

The decisions for cutting last year were not easy. We had to eliminate certain agencies that outlived their usefulness and remove many of the perks that have become institutional here in Congress. This bill continues the momentum that was established last year by cutting an additional $37.4 million, a reduction from last year of 2.2 percent. The committee goes further than any other appropriation committee in the House. Once again we have undertaken a review of how to reduce the costs of operating Congress to demonstrate our commitment not only to cutting spending but also learning how to spend our tax dollars wisely.

While we have cut the cost of Congress, we have also moved into the 21st century and made this a more efficient institution. The importance of this year's legislative branch bill extends beyond merely the funding issue. Within the bill are several provisions which embody much of the new congressional spirit, proposals for privatizing, streamlining and modernization.

One example is the report language requesting a study of the possibilities of privatizing or transferring the botanic gardens. I understand there is a lot of support for the gardens here in Congress, but why should Congress be running this agency? It should be transferred out of the Congress budget into Agriculture. We have the arboretum and other areas that can address this issue very effectively. So at least we are asking for further study of what to do with this.

Another proposal that the gentleman from California [Mr. PACKARD] has requested is for the Chief Administrative Officer to review other ideas for privatizing various functions. Many other agencies and departments and businesses have privatized their in-house services from payroll to cleaning with great success.

I agree with the gentleman from California [Mr. PACKARD] that it is time for the Congress to become competitive and look for cost-effective ways to provide the most basic services.

Additionally, the gentleman from California [Mr. PACKARD] once again promotes modernization. Bill language compels the Government Printing Office to reduce the number of copies of the CONGRESSIONAL RECORD and, instead of printing them in bound copies, to use CD–ROM copies. We would continue to produce a limited number of printed copies, but now we can make available on CD–ROM the entire CONGRESSIONAL RECORD. This would provide significant space and savings in both time and space.

Just think. Instead of having to pull down from the shelf a large bound volume and have to read through to find a passage, we can just put a disk in the computer and do a word search to find what we are looking for.

What we have here is a balanced bill which embodies much of the spirit of the new House of Representatives. We continue to reduce the level of expenditures within this account. We move to privatization and streamlining many of the functions of Congress which we have promoted in other government agencies. As we begin the process of modernization, which like all the changes takes time but reaps great rewards, it has been an honor on serve on this committee, and I commend our chairman for his insight and diligence and urge support of my colleagues for this bill.

Mr. THORNTON. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from California [Mr. BROWN], the ranking member of the Committee on Science.

Mr. BROWN of California. Mr. Chairman, I thank the gentleman very much for yielding me this time, and I rise to engage in a colloquy with the distinguished chairman of the Legislative Branch Appropriation Subcommittee if he is agreeable.

Mr. PACKARD. Mr. Chairman, will the gentleman yield?

Mr. BROWN of California. I yield to the gentleman from California.

Mr. PACKARD. Mr. Chairman, I would be very pleased to engage in a colloquy with the gentleman.

Mr. BROWN of California. Mr. Chairman, as my colleagues know, during the full committee markup of this bill the gentleman from Wisconsin [Mr. OBEY] offered an amendment from me which called for an independent evaluation of the General Accounting Office's processes and procedures, building upon previous independent reports that have compelled important changes at the Agency. The amendment failed, but since then the gentleman from California [Mr. PACKARD] and I have had a chance to talk further about this study and reached an understanding.

Specifically, I am concerned about the procedures that GAO uses to vet its reports to begin congressionally requested studies and to gauge its success. The independent study would

have taken an outsider look at these insider's processes to suggest needed improvements.

In addition, GAO has undergone a rapid period of change, including significant downsizing and restructuring. As the Agency evolves further, outside advice could prove very useful to the Agency in its leadership. It is a very important arm of the Congress and should be supported. However, there are important problems, and I believe the chairman shares these concerns.

Mr. PACKARD. I do, Mr. BROWN. I do share the gentleman's concerns, and I also understand and recall the amendment that was offered, and I believe the amendment was offered in full committee with the best interests of the GAO and the new Comptroller General in mind.

However, I am concerned that a study performed now before the new Comptroller General is appointed, which should be later this year, would interfere with the ability of that person to institute their own reforms in the Agency. In deference to the new Comptroller General, whoever that may be, I did ask the gentleman from California to withhold his amendment today. After the new Comptroller General is appointed, we will discuss with him or her whatever studies may be useful. If such a study remains useful for the Agency in the Congress, I would gladly join with the gentleman to invite a reprogramming of funds for that purpose.

In addition, a new Comptroller General has not been appointed, and if the subject of the independent study has not been addressed by the time the subcommittee prepares the legislative branch appropriation bill for next year, then I will re-examine this request from the gentleman.

In the meantime I would gladly work with the gentleman to try to resolve any problems at the Agency and again will cooperate in every way I can.

Mr. BROWN of California. Mr. Chairman, I thank the gentleman very much for his statement. In deference to his judgment I will not offer my amendment at the appropriate time. The gentleman and I would both like to see a strong GAO operating with an unparalleled standard of excellence, and I look forward to working together with him to reach that goal.

□ 1300

Mr. THORNTON. Mr. Chairman, I yield 4 minutes to the gentleman from Colorado [Mr. SKAGGS].

Mr. SKAGGS. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I am here to talk about what is not in this bill and not in the rule, rather than what is in it. What ought to be on the floor this afternoon would be an amendment to end cyber censorship in the House, to end the restriction on information available to the American public about the work and positions of the minority members of the House's committees.

Unfortunately, a decision, an absolutely incredible, astounding, un-American decision, was taken by the House Reform Committee back in May that puts the majority here in control of information flow about the activities and positions of the minority members of House committees.

I know that may be impossible for rational, reasonable Americans to believe to have happened in this home of democratic principles and traditions, the people's House. It is absolutely un-American. It should offend our basic sense of fair play, that the American public cannot get to information about what the minority in this place is doing without passing through gates that are kept and controlled by the majority, and which can essentially be shut so that you cannot find out what you may need to know about major activities of your U.S. Congress.

If this happened anywhere else in this country, other than being buried in the House rules, it would be a patent, patent violation of the first amendment to the U.S. Constitution. But because we have a special status under the Constitution and one that is clearly subject to our own abuse, we can impose this kind of censorship on ourselves, and then put it off limits by not permitting a rule today that would even enable us to debate and vote on it.

Mr. Chairman, we should have had that opportunity because, in good faith and good will, we believed when we debated this bill in the full Committee on Appropriations that such an amendment would be made in order, if this issue were not earlier resolved. The assurances that were offered in full committee and that prompted the gentleman from California [Mr. FAZIO] to withdraw an amendment at that time, have not been kept, unfortunately.

So here we are today in this predicament, unable to have a vote on an issue that goes to the absolute core values of any democratic institution and any democratic process.

This is not just a passive matter, either. Evidently the HIR, House Information Office, has been directed to so engineer access to web sites, Internet sites for the House, that users from the outside will not even be able to put what is called a bookmark on a particular site so they can get back to it the next time without having to go through all the rigamarole that the majority feels it is appropriate to put in the way of, again, access to information.

Mr. Chairman, does anyone here really believe that the American people, the American public, should not have free and equal access to both majority and minority points of view? Does anybody believe minority committee members should not be able to get their thoughts and positions before the American public without this form of direct and indirect censorship being put in the way?

I truly do not understand how we could have gotten into a situation like this. It is absolutely insulting to the integrity and the intelligence of Members of those body as well as the American people.

For all of the proud rhetoric that we got from the majority about an open Congress, an open process, a free flow of information through cyperspace, that is now shown to be a cynical and empty promise. This is an extremely disappointing performance by our colleagues on the majority side, an absolute insult to democratic traditions and principles. We should be ashamed to see it stand.

Mr. THORNTON. Mr. Chairman, I yield 2½ minutes to the gentlewoman from California [Ms. LOFGREN].

Ms. LOFGREN. Mr. Chairman, I have some concerns about what is in this bill. Coming from Silicon Valley, I have very strong concerns about what is not happening with technology and how we are very foolishly trying to censor ourselves.

Mr. Chairman, I got the information about the CyberCongress, and that we were all going to get a computer. Mine arrived at my office 6 months late, and what we did was we called just a regular vendor out of the phone book, not anybody politically connected. They will sell these machines to us for $900 less than we paid for them and they will deliver them in 4 days. So we are going to spend $400,000 more on these computers than we needed to spend. It makes me very suspicious, I will say that. It makes me very uncomfortable.

I am also concerned that for those of us who use the Internet frequently, as I do, one of the things you cannot get from the CyberCongress is the voting records, how we voted every day. You can get extension of remarks, you can get tributes to Little League coaches, but you cannot find out how your Congress Member voted on the Internet. I have introduced a bill to require us to post that information. It has not had a hearing. It seems to me if we can print votes every day in the CONGRESSIONAL RECORD, they ought to be posted on the Internet too. I think this bill should address that.

Finally, I want to talk about web pages the previous speaker mentioned before. I just came back here from some time at home. Everywhere I went, my constituents and neighbors would say, ''Do they not get it back there? Do any of them use the Internet?'' I had to say, actually, probably they do not get it. I think the new policy on web pages is proof that the leadership of this body does not get it yet. To suggest that for security reasons, which is ludicrous, that the URL has to be only with the majority instead of the minority is foolish indeed.

Mr. Chairman, what has really evolved here is not only censorship, which Americans object to. Technologically it is foolish. Ultimately, to try to prevent web users from actually accessing minority web pages is a very bad precedent, and technically, in the end, I think it will fail. We would not

suggest that it is OK to prohibit Members of Congress from issuing a statement, from putting a differing point of view in writing and sending that to other Americans. That is what this policy on web pages does. I object to it strongly, and I hope we will be able to change the current policy on minority web pages administratively or through this bill. I think there should be an amendment allowed to deal with it, and I hope that when I go home next, I can say yes, they finally got it here.

Mr. PACKARD. Mr. Chairman, I yield myself 1 minute simply to respond to the last two speakers.

It is the Committee on House Oversight that has jurisdiction over the operations of the cyber Congress and the information services, and also has jurisdiction over the web page. This is not the vehicle, the bill, that should be used to establish those kind of legislative policies. That committee has dealt with these things and is continuing to deal with them, and to put it in this bill would fly in the face and really be offensive, I think, to the authorizing committee. That is why we have resisted putting those items onto this bill. It would simply be inappropriate.

If the committee had agreed to the web page, the committee of jurisdiction, then we would, at their instructions, put it in the bill. But for us to put it in our bill over the objections of the authorizing committee I think would not be appropriate.

Mr. THORNTON. Mr. Chairman, I yield myself 1 minute to respond to the chairman of the subcommittee, who is a gentleman of great integrity and who does appreciate the technical rules of the House. Indeed it would be difficult to bring the amendment, which would correct the terrible abuse of lack of direct Internet access, to the floor on this bill. However, the Committee on Rules has allowed other bills which legislate upon an appropriations measure to come before the House, and this is the only way an appeal could be made to the full House in this policy.

I do recognize that the chairman has a great tradition on his side in not wishing to offend the authorizing committee which dealt with this, but I think that in this instance it would have been a very appropriate and fair thing for the Committee on Rules to allow the House as a whole to vote on the question of access to Web sites.

Mr. Chairman, I yield 3 minutes to the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Chairman, I rise in opposition to this bill. This is an important matter in terms of adequately funding the resources and staff we need to competently do our work. Quite frankly, it is evident from some of the products coming out of the Oversight Committee in terms of policies dealing with the web site that they are not doing their job in a competent and bipartisan manner.

It is an egregious action that was taken on a partisan matter which prohibited or prevented direct access by the minority committees to in fact have access through the Internet by our constituencies. In fact, as late as May 28, several committees, the Committee on Agriculture, the Committee on Banking and Financial Services, the Committee on Veterans' Affairs, and the Committee on Ways and Means, did not even have a web site. By virtue of that, the minority was precluded from access to the Internet, while the Republican majority caught up.

In fact, the majority had gone through the initiative in terms of providing a web site on the Internet from the Democratic Committee on Banking and Financial Services, and were in fact subsumed by the Republican majority committee by virtue of the Oversight Committee rule. Now in order to get access to that Democratic minority web site you have to go through the Republican material, wonderful photograph of our chairman, and you have to go through a lot of other window dressing in terms of explanation as to what is going on. As the gentleman from Colorado pointed out, you may not even put an electronic bookmark in place, so once you have done that, you could gain access again. That would obviously be helpful—but certainly the issue goes beyond that point.

Mr. Chairman, we should not be censoring, the House should not be censoring the speeches of Members on this floor, nor should they be censoring the information on the Internet that is providing direct access and communication on a democratic basis. We should not be afraid of the competition of ideas in this Congress and expressing those and sharing that information on the Internet. Yet, that is what this action has achieved—our constituents can only achieve access to minority views and news in the context that the Republican majority deems appropriate.

What are the GOP Members afraid of in terms of communication in this sense? We talk about the Internet in terms of various other improper materials, and the courts have held those limits improper. It is not a matter of space, it is not a matter of security, it is a matter of GOP censorship of the minority Democratic views on these web sites. This substantive amendment is not being permitted to be offered on the floor today, and this Congress has repeatedly provided for authorization legislation on appropriations bills and riders that go far beyond this point, and there is no other opportunity to vote on this subject to be addressed by a vote of the full House.

Today we have to take a vote on the amendment offered by the gentleman from California [Mr. FAZIO] which tries to transfer some money. I hope Members will rise to vote for that and send a signal, at least, to the Oversight Committee in terms of the abuse that is going on, that this decision and limit is inappropriate and uncalled for.

The fact is that we have to go through what really amounts to censorship and editorializing by the GOP majority of the Democratic minority views. I think that this is wrong, it is patently wrong to have moved in this particular direction. This bill would be the proper vehicle, this legislative appropriation measure, to in fact deal with that issue, but it has been rejected by the Committee on Rules, again on a partisan basis.

I appeal to my colleagues to vote for and support the Fazio amendment, and at least symbolically to deal with this issue of GOP once more trying to control the voices of dissent in this House in such an inappropriate manner.

Mr. THORNTON. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. SERRANO], a member of the subcommittee.

Mr. SERRANO. Mr. Chairman, I do not want to beat this subject to death, but I think we really have to understand what we are talking about here. The new way that this Congress and everyone in this country will put forth information is through the Internet. Right in this Hall today, in the Capitol today, throughout Washington, DC, there are young people, for instance, who are visiting during summer vacation. These young people will go back in September and begin school once again. More and more every day they get their information through the Internet.

One of the things that I tell people about my web page is that I want to reach a point where they can get as much information about government as possible from the Library of Congress to the Smithsonian to local institutions in my district to how I vote and how I think and what I feel about certain issues. To now tell people that they can visit the majority party but that they have no access to the minority party on its own with a different view is really from the beginning of this procedure to set out censorship rather than freedom. What kind of a message are we sending? This is totally improper.

The best way to see what this is like is to look at it this way. Imagine if visitors were allowed to visit the chairman of the committee but were not allowed to visit the office of the minority leader of the committee. They visit the chairman but they are not allowed to visit the other person, and if they are going to speak to that ranking member, they have to speak to them in the presence of the chairman. They cannot exchange views on a private and separate basis. That is what we are talking about.

Rather than doing this, we should be thinking about the future. I would like to see the day when the Internet for the House of Representatives personally reaches out to the world, not only in English but in different languages, so people could learn about us, learn about our democracy, read about us. How nice it would be if Latin American countries and students could read in Spanish about the House of Representatives of this, the greatest democracy

on earth. Instead of thinking about that, you are saying no, you cannot put your words out, and if you put them out you have to check with us first.

Ms. HARMAN. Mr. Chairman, I am pleased to join as a cosponsor of this amendment and I commend my colleagues from Michigan, Mr. SMITH, and Indiana, Mr. ROEMER, for offering it.

Mr. Chairman, as a result of streamlining and working more efficiently, I returned $100,000 from my 1995 office budget back to the Treasury Department for reducing the deficit. Combined with similar cost savings in 1993 and 1994, I have returned a total of $500,000. I am very proud of this record.

However, without the language of this amendment again added to the Legislative Branch Appropriations Act, the tax dollars I and other Members save from the efficient operation of our offices could not be returned to the Treasury. Instead those savings would be reallocated to other spending priorities.

Thus, I was pleased to have been a cosponsor of last year's successful amendment to the Legislative Branch Appropriations Act, and I am pleased to join again this year.

Mr. Chairman, we need to send a message to the American public that Congress is working more efficiently and with greater accountability. And just as we ask other agencies of Government, Congress needs to reduce spending and make its contribution to reducing the deficit.

Vote for the Smith-Roemer-Harman-Zimmer-Klug-Goss-Browder-Minge and Camp amendment.

Mr. FAZIO of California. Mr. Chairman, I rise today to offer my support for the legislative branch appropriations bill before us. I have enjoyed working with Mr. PACKARD on this bill, as well as the other members of the subcommittee. We are tasked with an important, but often anonymous role, that of drafting the legislation that allows our branch of Government to function effectively. This measure continues the spending reductions begun in past Congresses and deserves our support.

Since fiscal year 1992, Congress has reduced total legislative branch staffing by 5,500 full-time equivalent positions—a reduction of nearly 20 percent. While these cuts are necessary to reduce bloated staffing and inefficient operations, we must not reduce spending merely for the sake of reduction.

The Congress, as a coequal branch of our Government, is charged with a fundamentally important mission. Without adequate resources to check and balance the other branches, we are abdicating this constitutionally mandated responsibility.

This bill contains an appropriation of $1.68 billion for congressional operations and related agencies. I am pleased that operating funds for the House of Representatives have been increased under this bill to $683.8 million and that committee staffing has been held at current levels. The overall reduction of $37 million in this year's bill is financed from the reduction to the GAO to fulfill a staffing reduction commitment of the Comptroller General.

While I am generally pleased with this year's bill, I remain troubled by the restrictive Internet policy adopted by the House Oversight Committee. The policy would require all Internet and World Wide Web users to access information on Democratic Committee Web page counterparts.

There are good reasons for a Web page policy, but I believe that the policy decided upon by the chairman of the Oversight Committee unnecessarily restricts the free flow of information so vital to our democracy. For example, if the Republican leadership of a given committee refuses to create, or decides to terminate, its home page, the Democratic minority must automatically follow suit.

I find it ironic that the other party—which has received so much credit for instituting an information-based ''Cyber-Congress''—would make the first congressional policy regarding the Internet such a restrictive one. The World Wide Web is a forum for communicating information of every conceivable type. It is the ''town crier'' of the 21st century. To bury the valuable committee information of the minority party beneath pages of photos, biographies, and press releases from the majority party flies in the face of an open Congress.

Ms. PELOSI. Mr. Chairman, I rise today in support of the Fazio amendment to the legislative branch appropriations bill for fiscal year 1997. This amendment attempts to revisit action taken in the Appropriations Committee that deserves the light of full debate.

The majority has brought this appropriations bill to the floor with an onerous provision that restricts public access to congressional information. Most House committees have both majority and minority Web sites that the public can access to seek legislative information, committee schedules, and other relevant committee material. Since these sites first went on-line, they have been accessible to the public without restriction. The Republican majority would like to see this changed.

The same majority that claims to have a commitment to a ''cybercongress'' and the information infrastructure has placed limits on what information the public can access. They want to make all committee home pages controlled by the majority. The public will not be able to read the minority information without reading the majority information first.

This is not the way to open up Congress to an ever-increasing electronic electorate. By limiting the information the public can access, the Republican majority is blocking freedom of speech, and limiting debate on issues the public has a right to be informed about.

The minority, regardless of party, has a right to be heard. It is not a question of Republican versus Democrat, it is a clear question of what the public has a right to read.

The committee refused to hear an amendment offered by Mr. FAZIO in committee that questioned this arrangement, and then claimed that since it was a regulation and not a law, that the committee need not discuss the provision. Last night the Rules Committee made a similar amendment by Mr. FAZIO out of order.

What are they afraid of? Individuals should be able to realize their freedom to access information, and the Republican majority should not define the way in which that information is available. What happens if a committee chairman decides not to put up a Web page, the minority is automatically cut off from the Internet? This is our Nation's highest democratic body, but this process is anything but democratic.

I urge my colleagues to vote against this rule and support a free and open government.

□ 1315

Mr. THORNTON. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. PACKARD. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill is considered read for amendment under the 5-minute rule.

The text of H.R. 3754 is as follows:

H.R. 3754

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Legislative Branch for the fiscal year ending September 30, 1997, and for other purposes, namely:

TITLE I—CONGRESSIONAL OPERATIONS

HOUSE OF REPRESENTATIVES

SALARIES AND EXPENSES

For salaries and expenses of the House of Representatives, $683,831,000, as follows:

HOUSE LEADERSHIP OFFICES

For salaries and expenses, as authorized by law, $11,592,000, including: Office of the Speaker, $1,535,000, including $25,000 for official expenses of the Speaker; Office of the Majority Floor Leader, $1,526,000, including $10,000 for official expenses of the Majority Leader; Office of the Minority Floor Leader, $1,534,000, including $10,000 for official expenses of the Minority Leader; Office of the Majority Whip, including the Chief Deputy Majority Whip, $957,000, including $5,000 for official expenses of the Majority Whip; Office of the Minority Whip, including the Chief Deputy Minority Whip, $949,000, including $5,000 for official expenses of the Minority Whip; Speaker's Office for Legislative Floor Activities, $376,000; Republican Steering Committee, $664,000; Republican Conference, $1,130,000; Democratic Steering and Policy Committee, $1,191,000; Democratic Caucus, $603,000; and nine minority employees, $1,127,000.

MEMBERS' REPRESENTATIONAL ALLOWANCES INCLUDING MEMBERS' CLERK HIRE, OFFICIAL EXPENSES OF MEMBERS, AND OFFICIAL MAIL

For Members' representational allowances, including Members' clerk hire, official expenses, and official mail, $363,313,000.

COMMITTEE EMPLOYEES

STANDING COMMITTEES, SPECIAL AND SELECT

For salaries and expenses of standing committees, special and select, authorized by House resolutions, $80,222,000.

COMMITTEE ON APPROPRIATIONS

For salaries and expenses of the Committee on Appropriations, $17,580,000, including studies and examinations of executive agencies and temporary personal services for such committee, to be expended in accordance with section 202(b) of the Legislative Reorganization Act of 1946 and to be available for reimbursement to agencies for services performed.

SALARIES, OFFICERS AND EMPLOYEES

For compensation and expenses of officers and employees, as authorized by law, $86,259,000, including: for salaries and expenses of the Office of the Clerk, including not more than $3,500, of which not more than $2,500 is for the Family Room, for official representation and reception expenses, $15,074,000; for salaries and expenses of the Office of the Sergeant at Arms, including the position of Superintendent of Garages, and

including not more than $750 for official representation and reception expenses, $3,638,000; for salaries and expenses of the Office of the Chief Administrative Officer, $55,209,000, including salaries, expenses and temporary personal services of House Information Resources, $22,577,000, of which $16,577,000 is provided herein: *Provided,* That House Information Resources is authorized to receive reimbursement from Members of the House of Representatives and other governmental entities for services provided and such reimbursement shall be deposited in the Treasury for credit to this account; for salaries and expenses of the Office of the Inspector General, $3,954,000; Office of the Chaplain, $126,000; for salaries and expenses of the Office of the Parliamentarian, including the Parliamentarian and $2,000 for preparing the Digest of Rules, $1,036,000; for salaries and expenses of the Office of the Law Revision Counsel of the House, $1,767,000; for salaries and expenses of the Office of the Legislative Counsel of the House, $4,687,000; and other authorized employees, $768,000.

ALLOWANCES AND EXPENSES

For allowances and expenses as authorized by House resolution or law, $124,865,000, including: supplies, materials, administrative costs and Federal tort claims, $2,374,000; official mail for committees, leadership offices, and administrative offices of the House, $1,000,000; reemployed annuitants reimbursement, $71,000; Government contributions for health, retirement, Social Security, and other applicable employee benefits, $120,779,000; and miscellaneous items including purchase, exchange, maintenance, repair and operation of House motor vehicles, interparliamentary receptions, and gratuities to heirs of deceased employees of the House, $641,000.

CHILD CARE CENTER

For salaries and expenses of the House of Representatives Child Care Center, such amounts as are deposited in the account established by section 312(d)(1) of the Legislative Branch Appropriations Act, 1992 (40 U.S.C. 184g(d)(1)), subject to the level specified in the budget of the Center, as submitted to the Committee on Appropriations of the House of Representatives.

ADMINISTRATIVE PROVISIONS

SEC. 101. (a) Section 107A of the Legislative Branch Appropriations Act, 1996 (109 Stat. 522) is amended—

(1) by striking out ''For fiscal year 1996, subject'' and inserting in lieu thereof ''(a) Subject'';

(2) by striking out ''of the total amount'' and all that follows through ''cost of inventory'' and inserting in lieu thereof the following: ''the amounts deposited in the account specified in subsection (b) from vending operations of the House of Representatives Restaurant System shall be available to pay the cost of goods sold''; and

(3) by adding at the end the following new subsection:

''(b) The account referred to in subsection (a) is the special deposit account established for the House of Representatives Restaurant by section 208 of the First Supplemental Civil Functions Appropriation Act, 1941 (40 U.S.C. 174k note).''.

(b) The amendments made by subsection (a) shall apply with respect to fiscal years beginning after September 30, 1996.

SEC. 102. (a) Section 3210(a)(6)(A) of title 39, United States Code, is amended—

(1) in clause (i), by inserting ''(or, in the case of a Member of the House, fewer than 90 days)'' after ''60 days''; and

(2) in clause (ii), by striking out ''60 days'' and inserting in lieu thereof ''90 days''.

(b) The amendments made by subsection (a) shall take effect on October 1, 1996, and shall apply with respect to any mailing postmarked on or after that date.

JOINT ITEMS

For Joint Committees, as follows:

JOINT COMMITTEE ON INAUGURAL CEREMONIES OF 1997

For construction of platform and seating stands and for salaries and expenses of conducting the inaugural ceremonies of the President and Vice President of the United States in January 1997, $950,000, to be disbursed by the Secretary of the Senate and to remain available until September 30, 1997: *Provided,* That such funds shall be available for payment, on a direct or reimbursable basis, for such purposes whether incurred on, before, or after, October 1, 1996.

JOINT ECONOMIC COMMITTEE

For salaries and expenses of the Joint Economic Committee, $3,000,000, to be disbursed by the Secretary of the Senate.

JOINT COMMITTEE ON PRINTING

For salaries and expenses of the Joint Committee on Printing, $777,000, to be disbursed by the Secretary of the Senate.

JOINT COMMITTEE ON TAXATION

For salaries and expenses of the Joint Committee on Taxation, $5,470,000, to be disbursed by the Chief Administrative Officer of the House.

For other joint items, as follows:

OFFICE OF THE ATTENDING PHYSICIAN

For medical supplies, equipment, and contingent expenses of the emergency rooms, and for the Attending Physician and his assistants, including (1) an allowance of $1,500 per month to the Attending Physician; (2) an allowance of $500 per month each to two medical officers while on duty in the Attending Physician's office; (3) an allowance of $500 per month to one assistant and $400 per month each to not to exceed nine assistants on the basis heretofore provided for such assistance; and (4) $867,000 for reimbursement to the Department of the Navy for expenses incurred for staff and equipment assigned to the Office of the Attending Physician, which shall be advanced and credited to the applicable appropriation or appropriations from which such salaries, allowances, and other expenses are payable and shall be available for all the purposes thereof, $1,225,000, to be disbursed by the Chief Administrative Officer of the House.

CAPITOL POLICE BOARD

CAPITOL POLICE

SALARIES

For the Capitol Police Board for salaries of officers, members, and employees of the Capitol Police, including overtime, hazardous duty pay differential, clothing allowance of not more than $600 each for members required to wear civilian attire, and Government contributions for health, retirement, Social Security, and other applicable employee benefits, $68,392,000, of which $32,927,000 is provided to the Sergeant at Arms of the House of Representatives, to be disbursed by the Chief Administrative Officer of the House, and $35,465,000 is provided to the Sergeant at Arms and Doorkeeper of the Senate, to be disbursed by the Secretary of the Senate: *Provided,* That, of the amounts appropriated under this heading, such amounts as may be necessary may be transferred between the Sergeant at Arms of the House of Representatives and the Sergeant at Arms and Doorkeeper of the Senate, upon approval of the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate.

GENERAL EXPENSES

For the Capitol Police Board for necessary expenses of the Capitol Police, including motor vehicles, communications and other equipment, security equipment and installation, uniforms, weapons, supplies, materials, training, medical services, forensic services, stenographic services, personal and professional services, the employee assistance program, not more than $2,000 for the awards program, postage, telephone service, travel advances, relocation of instructor and liaison personnel for the Federal Law Enforcement Training Center, and $85 per month for extra services performed for the Capitol Police Board by an employee of the Sergeant at Arms of the Senate or the House of Representatives designated by the Chairman of the Board, $2,685,000, to be disbursed by the Chief Administrative Officer of the House of Representatives: *Provided,* That, notwithstanding any other provision of law, the cost of basic training for the Capitol Police at the Federal Law Enforcement Training Center for fiscal year 1997 shall be paid by the Secretary of the Treasury from funds available to the Department of the Treasury.

ADMINISTRATIVE PROVISION

SEC. 103. Amounts appropriated for fiscal year 1997 for the Capitol Police Board for the Capitol Police may be transferred between the headings ''SALARIES'' and ''GENERAL EXPENSES'' upon the approval of—

(1) the Committee on Appropriations of the House of Representatives, in the case of amounts transferred from the appropriation provided to the Sergeant at Arms of the House of Representatives under the heading ''SALARIES'';

(2) the Committee on Appropriations of the Senate, in the case of amounts transferred from the appropriation provided to the Sergeant at Arms and Doorkeeper of the Senate under the heading ''SALARIES''; and

(3) the Committees on Appropriations of the Senate and the House of Representatives, in the case of other transfers.

CAPITOL GUIDE SERVICE AND SPECIAL SERVICES OFFICE

For salaries and expenses of the Capitol Guide Service and Special Services Office, $1,991,000, to be disbursed by the Secretary of the Senate: *Provided,* That no part of such amount may be used to employ more than forty individuals: *Provided further,* That the Capitol Guide Board is authorized, during emergencies, to employ not more than two additional individuals for not more than one hundred twenty days each, and not more than ten additional individuals for not more than six months each, for the Capitol Guide Service.

STATEMENTS OF APPROPRIATIONS

For the preparation, under the direction of the Committees on Appropriations of the Senate and the House of Representatives, of the statements for the second session of the One Hundred Fourth Congress, showing appropriations made, indefinite appropriations, and contracts authorized, together with a chronological history of the regular appropriations bills as required by law, $30,000, to be paid to the persons designated by the chairmen of such committees to supervise the work.

OFFICE OF COMPLIANCE

SALARIES AND EXPENSES

For salaries and expenses of the Office of Compliance, as authorized by section 305 of the Congressional Accountability Act of 1995 (2 U.S.C. 1385), $2,609,000.

CONGRESSIONAL BUDGET OFFICE

SALARIES AND EXPENSES

For salaries and expenses necessary to carry out the provisions of the Congressional Budget Act of 1974 (Public Law 93–344), including not more than $2,500 to be expended on the certification of the Director of the

Congressional Budget Office in connection with official representation and reception expenses, $24,288,000: *Provided,* That no part of such amount may be used for the purchase or hire of a passenger motor vehicle.

ADMINISTRATIVE PROVISIONS

SEC. 104. (a) Any sale or lease of property, supplies, or services to the Congressional Budget Office shall be deemed to be a sale or lease to the Congress subject to section 903 of the Supplemental Appropriations Act, 1983 (2 U.S.C. 111b).

(b) Subsection (a) shall apply with respect to fiscal years beginning after September 30, 1996.

SEC. 105. (a) The Director of the Congressional Budget Office shall have the authority, within the limits of available appropriations, to dispose of surplus or obsolete personal property by inter-agency transfer, donation, or discarding.

(b) Subsection (a) shall apply with respect to fiscal years beginning after September 30, 1996.

SEC. 106. (a) The Director of the Congressional Budget Office shall have the authority to make lump-sum payments to separated employees of the Congressional Budget Office for unused annual leave.

(b) Subsection (a) shall apply with respect to fiscal years beginning after September 30, 1996.

ARCHITECT OF THE CAPITOL

OFFICE OF THE ARCHITECT OF THE CAPITOL

SALARIES

For the Architect of the Capitol, the Assistant Architect of the Capitol, and other personal services, at rates of pay provided by law, $8,454,000.

TRAVEL

Appropriations under the control of the Architect of the Capitol shall be available for expenses of travel on official business not to exceed in the aggregate under all funds the sum of $20,000.

CONTINGENT EXPENSES

To enable the Architect of the Capitol to make surveys and studies, and to meet unforeseen expenses in connection with activities under his care, $100,000.

CAPITOL BUILDINGS AND GROUNDS

CAPITOL BUILDINGS

For all necessary expenses for the maintenance, care and operation of the Capitol and electrical substations of the Senate and House office buildings under the jurisdiction of the Architect of the Capitol, including furnishings and office equipment; including not more than $1,000 for official reception and representation expenses, to be expended as the Architect of the Capitol may approve; purchase or exchange, maintenance and operation of a passenger motor vehicle; and attendance, when specifically authorized by the Architect of the Capitol, at meetings or conventions in connection with subjects related to work under the Architect of the Capitol, $23,255,000, of which $2,950,000 shall remain available until expended.

CAPITOL GROUNDS

For all necessary expenses for care and improvement of grounds surrounding the Capitol, the Senate and House office buildings, and the Capitol Power Plant, $5,020,000, of which $25,000 shall remain available until expended.

HOUSE OFFICE BUILDINGS

For all necessary expenses for the maintenance, care and operation of the House office buildings, $32,556,000, of which $4,825,000 shall remain available until expended.

CAPITOL POWER PLANT

For all necessary expenses for the maintenance, care and operation of the Capitol Power Plant; lighting, heating, power (including the purchase of electrical energy) and water and sewer services for the Capitol, Senate and House office buildings, Library of Congress buildings, and the grounds about the same, Botanic Garden, Senate garage, and air conditioning refrigeration not supplied from plants in any of such buildings; heating the Government Printing Office and Washington City Post Office, and heating and chilled water for air conditioning for the Supreme Court Building, Union Station complex, Thurgood Marshall Federal Judiciary Building and the Folger Shakespeare Library, expenses for which shall be advanced or reimbursed upon request of the Architect of the Capitol and amounts so received shall be deposited into the Treasury to the credit of this appropriation, $30,749,000: *Provided,* That not more than $4,000,000 of the funds credited or to be reimbursed to this appropriation as herein provided shall be available for obligation during fiscal year 1997.

LIBRARY OF CONGRESS

CONGRESSIONAL RESEARCH SERVICE

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of section 203 of the Legislative Reorganization Act of 1946 (2 U.S.C. 166) and to revise and extend the Annotated Constitution of the United States of America, $62,641,000: *Provided,* That no part of such amount may be used to pay any salary or expense in connection with any publication, or preparation of material therefor (except the Digest of Public General Bills), to be issued by the Library of Congress unless such publication has obtained prior approval of either the Committee on House Oversight of the House of Representatives or the Committee on Rules and Administration of the Senate: *Provided further,* That, notwithstanding any other provision of law, the compensation of the Director of the Congressional Research Service, Library of Congress, shall be at an annual rate which is equal to the annual rate of basic pay for positions at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

GOVERNMENT PRINTING OFFICE

CONGRESSIONAL PRINTING AND BINDING

For authorized printing and binding for the Congress and the distribution of Congressional information in any format; printing and binding for the Architect of the Capitol; expenses necessary for preparing the semimonthly and session index to the Congressional Record, as authorized by law (44 U.S.C. 902); printing and binding of Government publications authorized by law to be distributed to Members of Congress; and printing, binding, and distribution of Government publications authorized by law to be distributed without charge to the recipient, $81,669,000: *Provided,* That this appropriation shall not be available for paper copies of the permanent edition of the Congressional Record for individual Representatives, Resident Commissioners or Delegates authorized under 44 U.S.C. 906: *Provided further,* That this appropriation shall be available for the payment of obligations incurred under the appropriations for similar purposes for preceding fiscal years.

This title may be cited as the ''Congressional Operations Appropriations Act, 1997''.

TITLE II—OTHER AGENCIES

BOTANIC GARDEN

SALARIES AND EXPENSES

For all necessary expenses for the maintenance, care and operation of the Botanic Garden and the nurseries, buildings, grounds, and collections; and purchase and exchange, maintenance, repair, and operation of a passenger motor vehicle; all under the direction of the Joint Committee on the Library, $2,902,000.

LIBRARY OF CONGRESS

SALARIES AND EXPENSES

For necessary expenses of the Library of Congress not otherwise provided for, including development and maintenance of the Union Catalogs; custody and custodial care of the Library buildings; special clothing; cleaning, laundering and repair of uniforms; preservation of motion pictures in the custody of the Library; preparation and distribution of catalog cards and other publications of the Library; hire or purchase of one passenger motor vehicle; and expenses of the Library of Congress Trust Fund Board not properly chargeable to the income of any trust fund held by the Board, $215,007,000, of which not more than $7,869,000 shall be derived from collections credited to this appropriation during fiscal year 1997, and shall remain available until expended, under the Act of June 28, 1902 (chapter 1301; 32 Stat. 480; 2 U.S.C. 150): *Provided,* That the Library of Congress may not obligate or expend any funds derived from collections under the Act of June 28, 1902, in excess of the amount authorized for obligation or expenditure in appropriations Acts: *Provided further,* That the total amount available for obligation shall be reduced by the amount by which collections are less than the $7,869,000: *Provided further,* That of the total amount appropriated, $8,458,000 is to remain available until expended for acquisition of books, periodicals, and newspapers, and all other materials including subscriptions for bibliographic services for the Library, including $40,000 to be available solely for the purchase, when specifically approved by the Librarian, of special and unique materials for additions to the collections.

COPYRIGHT OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Copyright Office, including publication of the decisions of the United States courts involving copyrights, $33,402,000, of which not more than $17,340,000 shall be derived from collections credited to this appropriation during fiscal year 1997 under 17 U.S.C. 708(d), and not more than $4,929,000 shall be derived from collections during fiscal year 1997 under 17 U.S.C. 111(d)(2), 119(b)(2), 802(h), and 1005: *Provided,* That the total amount available for obligation shall be reduced by the amount by which collections are less than $22,269,000: *Provided further,* That not more than $100,000 of the amount appropriated is available for the maintenance of an ''International Copyright Institute'' in the Copyright Office of the Library of Congress for the purpose of training nationals of developing countries in intellectual property laws and policies: *Provided further,* That not more than $2,250 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for activities of the International Copyright Institute.

BOOKS FOR THE BLIND AND PHYSICALLY HANDICAPPED

SALARIES AND EXPENSES

For salaries and expenses to carry out the Act of March 3, 1931 (chapter 400; 46 Stat. 1487; 2 U.S.C. 135a), $44,964,000, of which $11,694,000 shall remain available until expended.

FURNITURE AND FURNISHINGS

For necessary expenses for the purchase and repair of furniture, furnishings, office and library equipment, $4,882,000.

ADMINISTRATIVE PROVISIONS

SEC. 201. Appropriations in this Act available to the Library of Congress shall be

available, in an amount of not more than $194,290, of which $58,100 is for the Congressional Research Service, when specifically authorized by the Librarian, for attendance at meetings concerned with the function or activity for which the appropriation is made.

SEC. 202. (a) No part of the funds appropriated in this Act shall be used by the Library of Congress to administer any flexible or compressed work schedule which—

(1) applies to any manager or supervisor in a position the grade or level of which is equal to or higher than GS–15; and

(2) grants such manager or supervisor the right to not be at work for all or a portion of a workday because of time worked by the manager or supervisor on another workday.

(b) For purposes of this section, the term ''manager or supervisor'' means any management official or supervisor, as such terms are defined in section 7103(a) (10) and (11) of title 5, United States Code.

SEC. 203. Appropriated funds received by the Library of Congress from other Federal agencies to cover general and administrative overhead costs generated by performing reimbursable work for other agencies under the authority of 31 U.S.C. 1535 and 1536 shall not be used to employ more than 65 employees and may be expended or obligated—

(1) in the case of a reimbursement, only to such extent or in such amounts as are provided in appropriations Acts; or

(2) in the case of an advance payment, only—

(A) to pay for such general or administrative overhead costs as are attributable to the work performed for such agency; or

(B) to such extent or in such amounts as are provided in appropriations Acts, with respect to any purpose not allowable under subparagraph (A).

SEC. 204. Of the amounts appropriated to the Library of Congress in this Act, not more than $5,000 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for the incentive awards program.

SEC. 205. Of the amount appropriated to the Library of Congress in this Act, not more than $12,000 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for the Overseas Field Offices.

SEC. 206. (a) For fiscal year 1997, the obligational authority of the Library of Congress for the activities described in subsection (b) may not exceed $108,275,000.

(b) The activities referred to in subsection (a) are reimbursable and revolving fund activities that are funded from sources other than appropriations to the Library in appropriations Acts for the legislative branch.

SEC. 207. (a)(1) Subject to subsection (b), for fiscal year 1997, the obligational authority of the Library of Congress for the activities described in paragraph (2) may not exceed $2,000,000.

(2) The activities referred to in paragraph (1) are non-expenditure transfer activities in support of parliamentary development that are funded from sources other than appropriations to the Library in appropriations Acts for the legislative branch.

(b) The obligational authority under subsection (a)—

(1) shall be available only with respect to Russia, Ukraine, Albania, Slovakia, and Romania; and

(2) shall expire on December 31, 1996.

SEC. 208. (a) Amounts appropriated for fiscal year 1997 for the Library of Congress under the headings specified in subsection (b) may be transferred among such headings, upon approval of the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate.

(b) The headings referred to in subsection (a) are as follows: (1) in title I, ''CONGRESSIONAL RESEARCH SERVICE'', ''SALARIES AND EXPENSES''; and (2) in this title, ''SALARIES AND EXPENSES''; ''COPYRIGHT OFFICE'', ''SALARIES AND EXPENSES'', ''BOOKS FOR THE BLIND AND PHYSICALLY HANDICAPPED'', ''SALARIES AND EXPENSES''; and ''FURNITURE AND FURNISHINGS''.

SEC. 209. From and after October 1, 1996, the Disbursing Officer of the Library of Congress is authorized to disburse funds appropriated for the Office of Compliance, and the Library of Congress shall provide financial management support to the Office of Compliance as may be required and mutually agreed to by the Librarian of Congress and the Executive Director of the Office of Compliance. The Library of Congress is further authorized to compute and disburse the basic pay of all personnel of the Office of Compliance pursuant to the provisions of section 5504 of title 5.

All vouchers certified for payment by duly authorized certifying officers of the Library of Congress shall be supported with a certification by an officer or employee of the Office of Compliance duly authorized in writing by the Executive Director of the Office of Compliance to certify payments from appropriations of the Office of Compliance. The Office of Compliance certifying officers shall (1) be held responsible for the existence and correctness of the facts recited in the certificate or otherwise stated on the voucher or its supporting paper and the legality of the proposed payment under the appropriation or fund involved, (2) be held responsible and accountable for the correctness of the computations of certifications made, and (3) be held accountable for and required to make good to the United States the amount of any illegal, improper, or incorrect payment resulting from any false, inaccurate, or misleading certificate made by them, as well as for any payment prohibited by law which did not represent a legal obligation under the appropriation or fund involved: *Provided,* That the Comptroller General of the United States may, at his discretion, relieve such certifying officer or employee of liability for any payment otherwise proper whenever he finds (1) that the certification was based on official records and that such certifying officer or employee did not know, and by reasonable diligence and inquiry could not have ascertained the actual facts, or (2) that the obligation was incurred in good faith, that the payment was not contrary to any statutory provision specifically prohibiting payments of the character involved, and the United States has received value for such payment: *Provided further,* That the Comptroller General shall relieve such certifying officer or employee of liability for an overpayment for transportation services made to any common carrier covered by section 3726 of title 31, whenever he finds that the overpayment occurred solely because the administrative examination made prior to payment of the transportation bill did not include a verification of transportation rates, freight classifications, or land grant deductions.

The Disbursing Officer of the Library of Congress shall not be held accountable or responsible for any illegal, improper, or incorrect payment resulting from any false, inaccurate, or misleading certificate, the responsibility for which is imposed upon a certifying officer or employee of the Office of Compliance.

ARCHITECT OF THE CAPITOL

LIBRARY BUILDINGS AND GROUNDS

STRUCTURAL AND MECHANICAL CARE

For all necessary expenses for the mechanical and structural maintenance, care and operation of the Library buildings and grounds, $9,003,000, of which $560,000 shall remain available until expended.

GOVERNMENT PRINTING OFFICE

OFFICE OF SUPERINTENDENT OF DOCUMENTS

SALARIES AND EXPENSES

For expenses of the Office of Superintendent of Documents necessary to provide for the cataloging and indexing of Government publications and their distribution to the public, Members of Congress, other Government agencies, and designated depository and international exchange libraries as authorized by law, $29,077,000: *Provided,* That travel expenses, including travel expenses of the Depository Library Council to the Public Printer, shall not exceed $150,000: *Provided further,* That amounts of not more than $2,000,000, from current year appropriations are authorized for producing and disseminating Congressional serial sets and other related publications for 1995 and 1996 to depository and other designated libraries.

GOVERNMENT PRINTING OFFICE REVOLVING FUND

The Government Printing Office is hereby authorized to make such expenditures, within the limits of funds available and in accord with the law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the programs and purposes set forth in the budget for the current fiscal year for the Government Printing Office revolving fund: *Provided,* That not more than $2,500 may be expended on the certification of the Public Printer in connection with official representation and reception expenses: *Provided further,* That the revolving fund shall be available for the hire or purchase of not more than twelve passenger motor vehicles: *Provided further,* That expenditures in connection with travel expenses of the advisory councils to the Public Printer shall be deemed necessary to carry out the provisions of title 44, United States Code: *Provided further,* That the revolving fund shall be available for temporary or intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level V of the Executive Schedule under section 5316 of such title: *Provided further,* That the revolving fund and the funds provided under the headings ''OFFICE OF SUPERINTENDENT OF DOCUMENTS'' and ''SALARIES AND EXPENSES'' together may not be available for the full-time equivalent employment of more than 3,700 workyears: *Provided further,* That activities financed through the revolving fund may provide information in any format: *Provided further,* That the revolving fund shall not be used to administer any flexible or compressed work schedule which applies to any manager or supervisor in a position the grade or level of which is equal to or higher than GS–15: *Provided further,* That expenses for attendance at meetings shall not exceed $75,000.

GENERAL ACCOUNTING OFFICE

SALARIES AND EXPENSES

For necessary expenses of the General Accounting Office, including not more than $7,000 to be expended on the certification of the Comptroller General of the United States in connection with official representation and reception expenses; temporary or intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level IV of the Executive Schedule under section 5315 of such title; hire of one passenger motor vehicle; advance payments in foreign countries

in accordance with 31 U.S.C. 3324; benefits comparable to those payable under sections 901(5), 901(6) and 901(8) of the Foreign Service Act of 1980 (22 U.S.C. 4081(5), 4081(6) and 4081(8)); and under regulations prescribed by the Comptroller General of the United States, rental of living quarters in foreign countries; $332,520,000: *Provided,* That not more than $100,000 of reimbursements received incident to the operation of the General Accounting Office Building shall be available for use in fiscal year 1997: *Provided further,* That notwithstanding 31 U.S.C. 9105 hereafter amounts reimbursed to the Comptroller General pursuant to that section shall be deposited to the appropriation of the General Accounting Office then available and remain available until expended, and not more than $5,805,000 of such funds shall be available for use in fiscal year 1997: *Provided further,* That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the Joint Financial Management Improvement Program (JFMIP) shall be available to finance an appropriate share of JFMIP costs as determined by the JFMIP, including the salary of the Executive Director and secretarial support: *Provided further,* That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the National Intergovernmental Audit Forum or a Regional Intergovernmental Audit Forum shall be available to finance an appropriate share of Forum costs as determined by the Forum, including necessary travel expenses of non-Federal participants. Payments hereunder to either the Forum or the JFMIP may be credited as reimbursements to any appropriation from which costs involved are initially financed: *Provided further,* That to the extent that funds are otherwise available for obligation, agreements or contracts for the removal of asbestos, and renovation of the building and building systems (including the heating, ventilation and air conditioning system, electrical system and other major building systems) of the General Accounting Office Building may be made for periods not exceeding five years: *Provided further,* That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the American Consortium on International Public Administration (ACIPA) shall be available to finance an appropriate share of ACIPA costs as determined by the ACIPA, including any expenses attributable to membership of ACIPA in the International Institute of Administrative Sciences.

TITLE III—GENERAL PROVISIONS

SEC. 301. No part of the funds appropriated in this Act shall be used for the maintenance or care of private vehicles, except for emergency assistance and cleaning as may be provided under regulations relating to parking facilities for the House of Representatives issued by the Committee on House Oversight and for the Senate issued by the Committee on Rules and Administration.

SEC. 302. No part of the funds appropriated in this Act shall remain available for obligation beyond fiscal year 1997 unless expressly so provided in this Act.

SEC. 303. Whenever in this Act any office or position not specifically established by the Legislative Pay Act of 1929 is appropriated for or the rate of compensation or designation of any office or position appropriated for is different from that specifically established by such Act, the rate of compensation and the designation in this Act shall be the permanent law with respect thereto: *Provided,* That the provisions in this Act for the various items of official expenses of Members, officers, and committees of the Senate and House of Representatives, and clerk hire for Senators and Members of the House of Representatives shall be the permanent law with respect thereto.

SEC. 304. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 305. (a) It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

SEC. 306. During fiscal year 1997 and fiscal years thereafter, amounts appropriated to the Architect of the Capitol (including amounts relating to the Botanic Garden) may be transferred among accounts available to the Architect of the Capitol upon the approval of—

(1) the Committee on Appropriations of the House of Representatives, in the case of amounts transferred from the appropriation for Capitol buildings and grounds under the heading ''HOUSE OFFICE BUILDINGS'';

(2) the Committee on Appropriations of the Senate, in the case of amounts transferred from the appropriation for Capitol buildings and grounds under the heading ''SENATE OFFICE BUILDINGS''; and

(3) the Committees on Appropriations of the Senate and the House of Representatives, in the case of amounts transferred from any other appropriation.

SEC. 307. (a) Upon approval of the Committee on Appropriations of the House of Representatives, and in accordance with conditions determined by the Committee on House Oversight, positions in connection with House public address sound system activities and related funding shall be transferred from the appropriation for the Architect of the Capitol for Capitol buildings and grounds under the heading ''CAPITOL BUILDINGS'' to the appropriation for salaries and expenses of the House of Representatives for the Office of the Clerk under the heading ''SALARIES, OFFICERS AND EMPLOYEES''.

(b) For purposes of section 8339(m) of title 5, United States Code, the days of unused sick leave to the credit of any such employee as of the date such employee is transferred under subsection (a) shall be included in the total service of such employee in connection with the computation of any annuity under subsections (a) through (e) and (o) of such section.

(c) In the case of days of annual leave to the credit of any such employee as of the date such employee is transferred under subsection (a), the Architect of the Capitol is authorized to make a lump sum payment to each such employee for that annual leave. No such payment shall be considered a payment or compensation within the meaning of any law relating to dual compensation.

SEC. 308. (a) Effective October 1, 1996, the responsibility for maintenance of security systems for the Capitol buildings and grounds is transferred from the Architect of the Capitol to the Capitol Police Board. Such maintenance shall be carried out under the direction of the Committee on House Oversight of the House of Representatives and the Committee on Rules and Administration of the Senate. On and after October 1, 1996, any alteration to a structural, mechanical, or architectural feature of the Capitol buildings and grounds that is required for security system maintenance under the preceding sentence may be carried out only with the approval of the Architect of the Capitol.

(b)(1) Effective October 1, 1996, all positions specified in paragraph (2) and each individual holding any such position (on a permanent basis) immediately before that date, as identified by the Architect of the Capitol, shall be transferred to the Capitol Police.

(2) The positions referred to in paragraph (1) are those positions which, immediately before October 1, 1996, are—

(A) under the Architect of the Capitol;

(B) within the Electronics Engineering Division of the Office of the Architect of the Capitol; and

(C) related to the maintenance of security systems for the Capitol buildings and grounds.

(3) All annual leave and sick leave standing to the credit of an individual immediately before such individual is transferred under paragraph (1) shall be credited to such individual, without adjustment, in the new position of the individual.

SEC. 309. Such sums as may be necessary are appropriated to the account described in subsection (a) of section 415 of Public Law 104–1 to pay awards and settlements as authorized under such subsection.

This Act may be cited as the ''Legislative Branch Appropriations Act, 1997''.

The CHAIRMAN. No amendments shall be in order except amendments printed in House Report 104–663, which shall be considered in the order printed, may be offered only by a member designated in the report, shall be considered read, shall be debatable for the time specified, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, except as specified in the report, and shall not be subject to a demand for division of the question.

Pursuant to the previous orders of the House, amendment No. 6 by the gentlemen from California [Mr. CAMPBELL] may be considered in modified form; amendment No. 1 by the gentleman from California [Mr. FAZIO] may be considered at any time; and an amendment by the gentleman from California [Mr. PACKARD] may be considered at any time as though printed in the report, and debatable for 10 minutes.

The Chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment and may reduce to not less than 5 minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device without intervening business, provided that the time for voting by electronic device on the first in any series of questions shall not be less than 15 minutes.

It is now in order to consider amendment No. 2 printed in House Report 104–663.

AMENDMENT OFFERED BY MR. KLUG

Mr. KLUG. Mr. Chairman, I offer an amendment.

The CHAIRMAN. Is the gentleman the designee of the gentlewoman from Washington [Ms. DUNN] whose amendment is printed in the report?

Mr. KLUG. I am, Mr. Chairman. The gentlewoman from Washington [Ms. DUNN], unfortunately, was called back to her district offices because of a health problem with one of her staffers.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. KLUG: Page 28, beginning on line 9, strike out ''3,700 workyears'' and insert in lieu thereof ''3,600 workyears by the end of fiscal year 1997''.

The CHAIRMAN. Under the rule, the gentleman from Wisconsin [Mr. KLUG] and a Member opposed will each control 10 minutes.

Is the gentleman from Arkansas [Mr. THORNTON] opposed?

Mr. THORNTON. I am opposed, Mr. Chairman.

The CHAIRMAN. The gentleman from Arkansas will be recognized for 10 minutes.

The Chair recognizes the gentleman from Wisconsin [Mr. KLUG].

Mr. KLUG. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I offer this amendment today again on behalf of JENNIFER DUNN, who unfortunately had to be back in her district because of a health problem affecting one of her staffers, and also Chairman PAT ROBERTS.

Mr. Chairman, both Ms. DUNN, Chairman ROBERTS, and I believe that the Government Printing Office needs to continue to privatize and downsize.

Mr. Chairman, much of the debate over the last year has been about what level of government is capable of doing service the best, whether the Federal Government or the State government should run welfare, whether the State government or the Federal Government should run Medicaid, the health care program aimed at women and children.

But I think, Mr. Chairman, there is an additional question involved, which is to say what business is the Federal Government involved in today that we should not be involved in any longer whatsoever? I cannot think of a better example than the Government Printing Office, established essentially and maintained today in order to print Government documents that are needed on an emergency basis. Mr. Chairman, as soon as I find a Government document that needs to be printed on an emergency basis, I will be happy to share it with you and everybody else in the Chamber.

The fact of the matter is the Government Printing Office remains in business today for the most part to print the CONGRESSIONAL RECORD. Mr. Chairman, there are 115,000 private printers in the United States, and I think they are certainly capable of printing the CONGRESSIONAL RECORD overnight. If the Wall Street Journal can have a story filed in Johannesburg, sent to New York where it is edited, sent up on a satellite dish in the Midwest, and it plops on my doorstep in Madison, WI, at 5:30 in the morning, assuredly somebody, one of the 115,000 private printers in the United States, can manage to print the CONGRESSIONAL RECORD overnight.

We continue to invest, I think foolishly, in printing equipment which is essentially out of date the minute it is put in place and into operation at the Government Printing Offices over on North Capitol Street.

This amendment today will reduce the full-time equivalent workyears by 100 which will save taxpayers about $5 million. While that is a kind of a marginal savings on the outside, the bottom line is we continue to cut Government Printing Office staffing levels down from 4,500 where it was several years ago, below 4,000, now on the way to 3,500.

Let me make clear I know that our chairman's biggest fight in this entire battle is not necessarily in this House. We last year passed an amendment that passed by two-thirds. The fight will be in the conference committee. I think again we need to send a signal to the Senate that we want a Government Printing Office that essentially will contract out work and will procure work and serve as a clearinghouse for the Government but not to essentially be a Government printing press. Last year's amendment, as I said, received bipartisan support with a vote of 293 to 129.

The bottom line in all of this, and one more point, Mr. Chairman, before I yield to the chairman of the Appropriations Subcommittee, in 1991 the GPO lost over $1 million, in 1992 it lost almost $5.5 million, in 1993 it lost $14 million, in 1994 it lost $21 million, in 1995 its loss was $3 million, and the fiscal year 1996 loss to date is $13 million. Every place you look, the Government Printing Office loses money because the Government should not be in the business of running printing presses.

Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. PACKARD], the chairman of the subcommittee.

Mr. PACKARD. Mr. Chairman, it would be of interest to the Congress to note that in this bill, we have provided funds for a study that would help to determine whether the GPO would be better off contracting out or privatizing the printing of the daily journal. So we are moving in the same direction, I believe, that the offeror of the amendment would like us to go.

It is true that the Government Printing Office has lost money, about $60 million over the last 6 years, that the inplant work load has declined by about 17 percent, and that the printing procurement work load has declined by about the same, 17 percent, and that it is realistic to assume that we can reduce the work force further in GPO. Therefore, I am perfectly willing to accept the amendment.

Mr. THORNTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to the amendment. The GPO has already had a series of cuts, leading to 3,700 employees at this time. Much of the work of the GPO is already contracted out. The efficiencies and effectiveness which were designed to be brought into the Government Printing Office have been successful and are on a right track. GPO should be allowed to continue on this track into the future.

Mr. Chairman, I yield 4 minutes to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Chairman, I thank the ranking member for yielding time, and I rise in opposition to this amendment.

Mr. Chairman, there has been a continuing effort to, I think, precipitously reduce the FTE'S at GPO. Very frankly, it is my feeling that, until it is reduced to zero, that the gentleman from Wisconsin and the gentlewoman from Washington State will continue to offer amendments to reduce it. I understand that. That may not be completely accurate, but that is my sense.

This reduces an additional 100 FTE's. This amendment, in my opinion, does not take into account the hard work that continues to occur at the GPO to downsize its work force. I think they have gotten the message—in a manner, however, that is consistent with the requirements placed on it by Congress. That is the key. Consistent with the requirements placed on it, not by some third party, but by Congress itself.

There is a point, Mr. Chairman, when the essential demands of the House and the Senate to put a RECORD of word-for-word proceedings on the desk of each Representative and Senator the next morning and, frankly, at the request of every citizen in our country, to print the Federal Register in a timely fashion, to print bills for committees and subcommittees, there is a point when this kind of reduction in personnel will cause the GPO to become unable to react satisfactorily.

Since 1993, the GPO has reduced its work force by over 1,000 persons. This is not an agency that is growing or is bloated. It is an agency that has been reduced, and the gentleman from California [Mr. PACKARD] and the gentleman from Arkansas [Mr. THORNTION] have reduced it further by an additional 50 in this bill.

The Committee on Appropriations in this bill has already adopted, as I say, the reductions after examining the process carefully; and the GPO management has a program to continue downsizing its work force in a managed framework.

I know that the gentleman from California [Mr. PACKARD], because I have been at some of his hearings, is keenly aware of the questions arising by GPO's activities and is looking at it very closely.

I submit that this additional FTE cut will make the process of downsizing

even more difficult for the GPO and should not be adopted.

This amendment attempts to micromanage the Government Printing Office by an arbitrary reduction of its work force. That is no way to run a very successful printing operation on which the Congress depends heavily and on which the American public depends.

I would urge that this amendment be defeated, Mr. Chairman, and for the House to permit GPO to continue its orderly program of downsizing.

Why is that important? It is important, first of all, because we have people that we have asked to perform duties for the Congress and for the American public.

If management is given a figure to reduce to, they can effect that if you give them sufficient time to let attrition and a change in the undertakings, the responsibilities of that agency, to occur. If, however, you do it precipitously, there is no alternative but to RIF people. As everybody knows, a reduction in force under the Federal work rules is a very costly endeavor indeed, which is why even in the private sector they try to avoid that if at all possible.

Mr. Chairman, I would hope that the House would support the action of the committee which has already reduced based upon its judgment of what can be done within the time frame available in the fiscal year 1997 budget. I commend the committee for its actions, and I would hope that they would be sustained by the House.

Mr. KLUG. Mr. Chairman, I reserve the balance of my time.

Mr. THORNTON. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina [Mr. ROSE].

(Mr. ROSE asked and was given permission to revise and extend his remarks.)

Mr. ROSE. Mr. Chairman, I rise in opposition to the Dunn amendment which would reduce the Government Printing Office by 100 full-time employees.

Some Members may say, what is the big deal about reducing 100 full-time employees from this office. If you take into consideration that in 1976 there were 8,000 employees at the GPO and presently there are 3,800 employees at the GPO, that becomes a big deal. One thousand of these cuts have occurred since 1993. These reductions were accomplished through attrition and improved computer technology. The GPO has managed the transition to electronic technologies and downsized without interrupting services to the Congress, other Federal agencies and, most importantly, to the public. They have done an excellent job.

As computer technology changes the way the Federal Government does its business, we should be sensitive to reducing the work force, the people, which produce government documents. The futurist, John Nesbitt, in his book ''Megatrends'' wrote that as society becomes more high tech, it should remain high touch. I believe that can be interpreted to mean that as a computer society becomes bigger and more important in our lives, we should not let this advancement influence the way we treat our fellow human beings.

Mr. Chairman, this amendment may be high tech, but it sure is not high touch. Vote against the Dunn amendment, please.

Mr. KLUG. Mr. Chairman, I yield myself such time as I may consume.

Let me just respond briefly to the gentleman from North Carolina, in talking about concerns and feelings and a sense of having empathy. My empathy goes out to the taxpayers of America who continue to fund an organization that I think largely is out of date and I think the gentleman from North Carolina brings up a very good point. With the increasing use of the Internet, the Government is less reliant on paper than ever before. CD roms can now replace entire volumes of hard-bound documents.

The point is in the current environment we are going into, it does not call for a continual support of the GPO. It essentially says that GPO has an even tougher job in the future justifying their existence, period.

Mr. Chairman, I yield 3½ minutes to the gentleman from Kansas [Mr. ROBERTS].

□ 1330

Mr. ROBERTS. Mr. Chairman, I thank the gentleman for yielding me the time.

In the recent past I was the ranking Republican member serving on the House-Senate Joint Committee on Printing. That is the congressional entity with oversight of the GPO's operation. I have been over there many times and talked with many employees and many of the administrative folks down there as well. I think the basic problem here is the financial loss. In 1991, as has been stated in the debate, when the GPO lost $1.2 million, 1992 losses began to increase to $5.2 million; in 1994, losses topped out at $21.8 million. Even during this fiscal year, the GPO has already lost $13 million. Only the Federal Government, it seems to me, would continue to run an agency at a total loss to the taxpayer. There is a lot of red ink down there, we have to fix it.

The first question that comes to mind is, where does all the money go in regard to the GPO? Every study that we have had in regard to this operation says about 80 percent of all the GPO costs are dedicated to personnel costs.

Now, the second question that comes to mind is this: Why is so much money being lost? Well, I do not think we can blame the employees. That is not the intent. They are doing their jobs and they are doing them well, for that matter. Rather, it is the advanced technology that has been discussed on the floor in this regard and the move toward something called electronic printing that has changed the way that the GPO does business.

The entire Government is using less paper and shifting to on-line services to gather and disperse information. The traditional customers of the GPO are simply turning to these alternatives to get their information much more quickly and in a cost-efficient manner. This amendment simply reflects the future of government as dictated by technology and as demanded by taxpayers. That is what the amendment is about. With this trend continuing toward less paper and more reliance on web sites and CD–ROM's, we will need fewer people to produce the government documents.

I have said many times in the last few years, at many hearings, the world is changing and the GPO must change as well. While I recognize and appreciate the efforts of the GPO, I believe we must continue to guide the GPO down the path to a smaller, more efficient Government. We have a responsibility to the taxpayer to reduce costs, just as all of the printing businesses on America's Main Streets do in the same situation.

I would point out that last year this amendment or a very similar amendment received bipartisan support and the vote was 293–129. It reduced the FTE's by 350. That was down from 3,900 to 3,550. Then 250 FTE's were restored in conference. I believe the final conference version simply brought the FTE count to 3,800.

So, first we achieved the reform, and then it is taken away in conference. First we make the cuts, which are reasonable cuts, by a vote of 293 to 129. Then 250 are restored in conference. So we really did not even do what the House voted for in the last session of Congress. This has nothing to do about employees, nothing to do about the good work at the GPO. It is advanced technology and the way the Government does its job in regard to that technology.

So I am very happy to cosponsor the amendment on behalf of the gentlewoman from Washington [Ms. DUNN] and also my colleague from Wisconsin. I urge its support.

Mr. THORNTON. Mr. Chairman, I yield 1 minute to the gentleman from Virginia [Mr. MORAN].

Mr. MORAN. Mr. Chairman, we have a level of about 3,700 people in the Government Printing Office now. That is less than 50 percent of what it used to be. We used to have about 8,000 people in the Government Printing Office, and they had a reputation for doing a very good job. They still have a reputation for doing an excellent, professional job. If we talk to people in the private sector, the Printing Industries of America, whatever, they will say that they have a high level of respect for people in the Government Printing Office.

Now, the gentleman from Kansas [Mr. ROBERTS], our friend, said this is not about people, this is not about those employees. Well, the fact is, it is.

We are cutting another 100 people that are doing their job, have consistently done everything that the Congress has asked them to, have been subject to continuing downsizing. They accept the downsizing. They are on a glide path. They are reducing the number of people that work there, not as fast as they are reducing their workload.

The only thing that makes sense is that this is some kind of vendetta against the Government Printing Office and it does not make sense. We were reducing them. Let us do it in the way that we previously agreed to. Reject this amendment.

Mr. THORNTON. Mr. Chairman, may I inquire of the time remaining?

The CHAIRMAN. The gentleman from Arkansas [Mr. THORNTON] has 3 minutes remaining, and the gentleman from Wisconsin [Mr. KLUG] has 2½ minutes remaining. The gentleman from Arkansas, a member of the committee, has the right to close.

Mr. THORNTON. Mr. Chairman, I yield 2 minutes to the gentlewoman from Maryland [Mrs. MORELLA], showing the bipartisan opposition to this amendment.

Mrs. MORELLA. Mr. Chairman, I thank the gentleman for yielding. It does indicate that there is bipartisan opposition, because opposition to this amendment is to really assist this Congress and the people of the United States.

This amendment that I oppose and many others oppose would arbitrarily reduce the Government Printing Office by 100 additional full-time employees. These are people who have worked for many years for the Government Printing Office for us. The legislative branch appropriation bill, it already reduces the Government Printing Office by 100 full-time employees, reducing its staff from 3,800 FTE's to 3,700 FTE's.

Twenty years ago, GPO had a staff of 8,000. Today it is less than half that amount. More than half of these cuts have occurred since 1993. The Government Printing Office has been able to accomplish these reductions by careful management, attrition and by updating their computer systems. An additional cut of 100 employees would disrupt the GPO's work. Between 75 and 80 percent of GPO's work is already being sent to outside bidders, and we know that GPO gets the best price around. The remaining work done in-house is often sent by the Congress to be done on a moment's notice and they do it.

This amendment would arbitrarily disrupt both the productivity of the Government Printing Office and the lives of its personnel. I urge my colleagues to join me in opposing the Dunn amendment.

Mr. KLUG. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me just make a few brief points in closing because we are just about out of time on both sides. I simply want to make the point that, more so than anything else, if we are going to be interested in somebody's interest in this debate that is going on, the interest should be that of the American taxpayers. The General Accounting Office, which his the investigative arm of Congress, when it has done investigations in the past on the Government Printing Office, essentially says, whenever we print a document there, it costs 2½ times what it does in the private sector.

In response to the point earlier of the gentleman from Maryland [Mr. HOYER], I do not want to see the Government Printing Office be eliminated, but I think it should largely become a procurement arm of the government and get out of the printing industry itself.

Over the last 5 years, as we have pointed out, the Government Printing Office has lost $57 million. The gentleman on the other side are correct that the Government Printing Office does what Congress asks it to do. What we are trying to say on this side of the aisle is we have asked it to do so many things. We should ask it to do less, and we should ask it to do with fewer people than we see at the present time.

Mr. Chairman, I yield back the balance of my time.

Mr. THORNTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the committee has carefully reviewed this and has determined that the reductions, which are significant, which have been recommended by the committee, are appropriate and that the functioning of the GPO, which, among other things, has the responsibility of transferring authority to the electronic media, can be well carried out within the committee recommendation.

I believe that the adoption of the amendment will impair that function, and I urge opposition to the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. KLUG].

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 3 printed in House Report 104–663.

Does the gentleman from Wisconsin [Mr. OBEY] wish to offer his amendment?

If not, it is now in order to consider amendment No. 4 printed in House Report 104–663.

AMENDMENT OFFERED BY MR. VOLKMER

Mr. VOLKMER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. VOLKMER: Page 31, after line 2, insert the following:

The aggregate amount otherwise provided under this heading is hereby reduced by $250,000, and the amount of such reduction shall be retained in the Treasury for purposes of deficit reduction and shall not be available for appropriation for any other purpose for fiscal year 1997.

The CHAIRMAN. Pursuant to House Resolution 473, the gentleman from Missouri [Mr. VOLKMER] and the gentleman from California [Mr. PACKARD] will each control 10 minutes.

The Chair recognizes the gentleman from Missouri [Mr. VOLKMER].

Mr. VOLKMER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment is offered for two purposes. One is to show my dissatisfaction with the operations of the GAO, and especially for some of the studies that have come forth that I have been cognizant of, that I find less than professional. I wish to serve notice on the GAO that I believe they can do the job a lot better, and I feel more objective, than what I have seen in the past.

I acknowledge that the committee has already cut GAO by a significant figure and, therefore, my amendment really is not meaningful. But this amendment was drafted over a month ago in preparation. I told my staff that I wanted to be able to take this opportunity to suggest that the GAO can do a better job.

But the second purpose of me being here is to talk about the appropriation bill that is now before us.

Back last year during the Government shutdown, when Speaker GINGRICH decided that the Government should shut down in order to persuade the President to sign a balanced budget that they wanted, and other bills that they wanted, we had Federal employees, many of which are in my district, who did not know whether they were going to be able to work, did not know whether they were going to be paid if they did work. And many of them were very hurt by the actions of this Congress.

I had one lady who worked for a Federal agency who called me up, and she has children. She got a paycheck for 2 weeks' work that was around $5. At the same time, Mr. Chairman, every employee of the legislative branch, GAO, committee staff, my staff, everybody else was feeling great. They were getting paid right along because their appropriation bill had been signed in October.

Well, I called my friend over at the White House, not the President but somebody else, and talked to him at that time about it. I said, next year we will probably be ending up at the same place, and it looks to me like we are going there. When I look at the Interior bill, I look at the HUD and Independent Agencies bill, I look at Labor, HHS and Education bill, going down the same road, dead end, not going to get done.

I am not the only one that says that. Their own leader, the gentleman from Texas, is saying it. He is saying we are not going to get it done, we have got to have a continuing resolution until March to get by this. Well, my position is, and I think I would like to find out from the gentleman from California, who I consider a good friend. Ever since we have been here, we have worked together on things.

Mr. Chairman, I believe that this bill should be the very last bill that gets signed by the President. If other Federal agencies, employees of this Federal Government are not going to know whether they are going to get paychecks or not, are not going to know whether they are going to be able to work or not at their jobs, I do not believe that my employees, that any committee staff, GAO, Library of Congress, police force, you name it, they should have the same problem.

My position is, if all that happens, maybe we will actually get it done, rather than having your own staff gripe at Members and saying, well, I do not have money for dinner, because those people out there, a lot of them did not have money for dinner. They might come along and ask: Can I come over to your house for dinner? I need something to eat, if it is on your own committee or your own personal staff.

So my suggestion is let us go slow on this bill. If we want to finish up here today and have the Senate take it up later when Members take it to conference, just do not come out of conference until everything else is done. Then, when all the other bills are out of the way and we know that the Government will not shut down again, because last time it was shut down because somebody in this House, the Speaker and a few other people on that side, decided they wanted to shut it down. They were going to teach the President a lesson. Well, that same thing could happen. Very easily, somebody does not get their way on that side, they decide, well, let us shut the Government down again.

If it does, why should our employees have the comfort, and that is what it is, a comfort of knowing that they are going to be able to go to work the next day. They are going to get their paycheck at the end of the month when all these other Federal employees do not have any idea at all about it.

□ 1345

We know what happened last year in that Government shutdown was terrible. I still have people in my district who went through that at the Veterans Hospital, at research centers and others, that still talk to me about it. They still do not know. There is no certainty to them. They are wondering right now whether they are going to be paid and they are going to be working or there is going to be another Government shutdown.

Well, if we want to try to ensure that there will not, let us say no. If there is going to be a shutdown, we shut down too.

Mr. PACKARD. Mr. Chairman, will the gentleman yield?

Mr. VOLKMER. I yield to the gentleman from California. I want to know his position on that.

Mr. PACKARD. Mr. Chairman, the gentleman's amendment has very little to do with what he has expressed.

Mr. VOLKMER. Mr. Chairman, reclaiming my time, I would say to the gentleman that that is correct.

Mr. PACKARD. Mr. Chairman, if the gentleman will continue to yield, I would say to take it out on the GAO as a means of trying to convey the gentleman's concerns for whether we shut the Government down again or not is probably not the appropriate thing to do.

I certainly am not, and this subcommittee is not, going to be making the decision as to whether we shut down or not.

Mr. VOLKMER. I agree with that.

Mr. PACKARD. My personal observation is that there is bipartisan agreement that shutting down the Government is not a good procedure, and I think we will use every effort to avoid that, and I assume we will avoid that.

I think, speaking directly to the gentleman's amendment, I have some real concerns because we have cut the GAO over the last year's bill and this year's bill to 25 percent of the dollar cut from the previous year, and a 37 percent cut in the staff. $250,000 is no significant amount of money in their large budget, but the fact is it would be a slap in the face for them, I think, after we have made an agreement that we would not ask them to sustain more than the 25-percent cut. They would have liked to have sustained less than the 25-percent cut this year, but they agreed to keep their word, and I would have a very red face to go back to them and say $250,000 we will cut further.

Mr. VOLKMER. Mr. Chairman, reclaiming my time, the gentleman has time to do all that, but I am trying to get an answer to a simple question and I have not got it yet.

Does the gentleman think that his should be the last bill to go until all the other bills are done or should he go ahead so all his workers and his committee staff, they get the comfort of knowing they are going to get paid while they go ahead and shut down the Government on the other people?

Mr. PACKARD. The President has the option to veto this bill. I think we should sent it to the President as quickly as we can.

Mr. VOLKMER. In other words, the gentleman believes that it is all right to tell other people in the Federal Government, others that they can be shut down, they do not get paid, but he is going to take care of his.

Mr. PACKARD. I think our job as appropriators is to appropriate the funds necessary to run Government, and that is what we are doing in my bill and that is what we are doing in the other bills. Certainly I am not suggesting that we shut the Government down.

Mr. VOLKMER. Mr. Chairman, reclaiming my time, it is obvious to me that the gentleman from California is willing to shut down the Government on other people, like he did, and the gentleman participated in that. I can show him the votes where he agreed to shut down the Government and let it be shut down, and those people did not get paid for a long time. They went weeks without pay and then, at the same time, he had the comfort of knowing that this committee staff, sitting around him now, his personal staff, they all got their paychecks and everything else. That was comfort.

All I am saying is if there is going to be sacrifice, I think we should start with the sacrifice. I do not think that we should consider our people and the people that work for this legislative branch better than other Federal agencies. That is why I am asking the gentleman to hold off on this bill and not do it until every other appropriation bill for all Federal agencies are done.

If there is going to be a shutdown, and I think there is a possibility there will, then the gentleman should let his legislative staff and my legislative staff have to suffer also.

Mr. Chairman, I reserve the balance of my time.

Mr. PACKARD. Mr. Chairman, I yield myself such time as I may consume and I rise in opposition to this amendment.

It really is punitive to the GAO and the message and the signal that the gentleman wishes to convey to our leadership on both sides and the President as to whether we shut the Government down is totally extraneous to this issue. I would really invite the gentleman to withdraw his amendment because we have cut the GAO far more than I think he ever would have had he been chairman of this subcommittee.

Mr. Chairman, I do not believe this is the forum in which we debate the whole issue of whether we shut the Government down again or not. I do not anticipate that debate coming for several weeks or maybe several months, but the point is that will not be made by this bill.

Mr. Chairman, I reserve the balance of my time.

Mr. VOLKMER. Mr. Chairman, I yield myself the balance of my time to say it is obvious to me, because of what I have said before in my statement, that we are headed for a shutdown as far as certain agencies are concerned. Unless that side makes some changes, that shutdown will occur. And if it does occur the way the gentleman wants it to, there will be agencies out there that will not get paid while our people are paid.

Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There is no objection.

AMENDMENT OFFERED BY MR. PACKARD

Mr. PACKARD. Mr. Chairman, pursuant to the previous order of the House of today, I offer the Packard amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. PACKARD: On page 32, at the end of line 17, add the following: (c) If it has been finally determined by a court or Federal agency that any person

intentionally affixed a label bearing a ''Made in America'' inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, such person shall be ineligible to receive any contract or subcontract made with funds provided pursuant to this Act, pursuant to the debarment, suspension, and ineligibility procedures described in section 9.400 through 9.409 of title 48, Code of Federal Regulations.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from California [Mr. PACKARD] will be recognized for 5 minutes and the gentleman from Ohio [Mr. TRAFICANT] will be recognized for 5 minutes.

The Chair recognizes the gentleman from California [Mr. PACKARD].

Mr. PACKARD. Mr. Chairman, I yield myself such time as I may consume to tell Members that this is the Traficant language regarding ''Buy America.'' I have no problem with the amendment and will accept it.

Mr. Chairman, I reserve the balance of my time.

Mr. TRAFICANT. Mr. Chairman, I yield myself such time as I may consume.

I want to thank the distinguished chairman of the committee, and I want to thank the distinguished ranking member, the gentleman from Arkansas [Mr. THORNTON], for the great job he has done.

Mr. THORNTON. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Arkansas.

Mr. THORNTON. Mr. Chairman, we have no objection to this amendment.

Mr. TRAFICANT. Mr. Chairman, I appreciate the chairman's consideration and the committee staff who helped with this, and I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. PACKARD].

The amendment was agreed to.

Mr. PACKARD. Mr. Chairman, I ask unanimous consent to strike the last word.

The CHAIRMAN. Without objection, the gentleman from California [Mr. PACKARD] is recognized for 5 minutes.

There was no objection.

Mr. PACKARD. Mr. Chairman, I wish to have a colloquy with the gentleman from California [Mr. COX].

Mr. COX of California. Mr. Chairman, will the gentleman yield?

Mr. PACKARD. I yield to the gentleman from California.

Mr. COX of California. Mr. Chairman, I rise to applaud the committee for its work in promoting the Books for the Blind Program. The Books for the Blind Program is funded through the Library of Congress and ensures that our blind and visually impaired populations will have continued access to printed reading materials.

This past week I had the pleasure of addressing the national convention of the National Federation of the Blind, an organization representing those members of our society who must rely almost exclusively on the Books for the Blind Program for reading materials of all kinds, whether educational, informational, or for the latest best seller. I therefore wish to commend my colleagues on the committee for increasing funding for this worthy program to nearly $45 million.

Due to the tremendous role this program plays in the lives of our blind and visually impaired fellow citizens, I would like to inquire of the gentleman from California what effect, if any, would section 208 of the measure have on the Books for the Blind Program.

Mr. PACKARD. Mr. Chairman, reclaiming my time, I would be happy to speak to the gentleman's point.

Section 208 allows the Library of Congress to request that funds from the five-line-item appropriations funding the Library of Congress be shifted to meet its needs. The Books for the Blind Program is one of these five line items, but of course this committee has not legislatively decreased these funds for the blind. In fact, we increased funds in this year's bill.

As the gentleman pointed out, this program is the primary source of reading material for the blind, and the committee has been pleased to increase funds for this service in the bill that we are debating today. Under section 208 the Librarian could request, for instance, that funds be added to the Books for the Blind account and taken from the other four line items.

It is most unlikely, though possible, that the Librarian could request funds to be shifted out of this account; however, even were the Librarian to make such a request, it would have to be approved by the House and Senate appropriations committees before any transfer could take place. I personally have to approve that, and of course we have been very protective of the Books for the Blind. So section 208 provides a mechanism by which the efficiency of the Library of Congress and the Books for the Blind program can be maximized.

Mr. COX of California. Mr. Chairman, if the gentleman will yield further, I thank the gentleman for his explanation, and I applaud his efforts in ensuring that the Books for the Blind Program continues to provide services so desperately needed by the Nation's blind and visually impaired citizens.

The CHAIRMAN. It is now in order to consider amendment No. 5, printed in House Report 104–663.

AMENDMENT OFFERED BY MR. SMITH OF MICHIGAN

Mr. SMITH of Michigan. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SMITH of Michigan: Page 35, after line 22, insert the following new section:

SEC. 310. Any amount appropriated in this Act for ''HOUSE OF REPRESENTATIVES—Salaries and Expenses—Members' Representational Allowances'' shall be available only for fiscal year 1997. Any amount remaining after all payments are made under such allowances for such fiscal year shall be deposited in the Treasury, to be used for deficit reduction.

The CHAIRMAN. Pursuant to House Resolution 473, the gentleman from Michigan [Mr. SMITH] and a Member opposed each will control 10 minutes.

Mr. SMITH of Michigan. Mr. Chairman, I ask unanimous consent to yield 5 minutes to the distinguished cosponsor of this amendment, the gentleman from Indiana [Mr. ROEMER], and that he be allowed to control that 5 minutes of time.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. THORNTON. Mr. Chairman, I ask unanimous consent that, pending the arrival of the gentleman from Indiana [Mr. ROEMER] on the floor, I might stand in his stead for the 5 minutes. When he arrives I will be pleased to yield that time to him.

The CHAIRMAN. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. SMITH of Michigan. Mr. Chairman, I yield myself such time as I may consume.

Many Members of this body who come to Congress come with the goal of saving taxpayers money, being frugal with their own office spending accounts as is possible. Since entering Congress, many of us try to save for the taxpayers and keep our office expenses to a minimum.

Over the last 3 years in our Michigan's 7th District office, we have saved $636,000. After my first year of cost cutting and making the effort to be conscious of spending. I was appalled and disturbed that a Member's savings did not save money; that the money would go automatically into other accounts and add to those accounts to expand spending.

In my first year in Congress, like many first-year Members, we were striving to make sure that we do not buy more than what is needed in stationery, that we do not waste the money by overspending on computers or any other items only to find out that someone else spent the money that was saved. Mr. Chairman, this amendment, like the amendment that we put in last year, for the first time allows the savings to go to the Department of the Treasury for deficit reduction.

This amendment is identical to the amendment that we passed last year, and I urge my colleagues to pass this amendment. Last year this amendment was passed by a vote of 423 to 21 margin as an amendment to the legislative appropriation bills to return these unspent funds to the Department of the Treasury. If we do not have some consideration, some incentive for Members to be careful on how they spend taxpayers' money, then we are not as apt to do it.

So I say let us pass this amendment, let us notify each office of how much they have under spent, how much they have saved taxpayers, and let us make sure with this amendment that that money will be going toward deficit reduction rather than simply into another account.

□ 1400

Mr. PACKARD. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Michigan. I yield to the gentleman from California.

Mr. PACKARD. Mr. Chairman, this amendment was accepted last year and I would certainly be anxious to accept it this year. It expresses the very intent of our bill, and that is to return these funds to the Treasury.

It is the intent of the committee bill. It is the desire of the chairman and, I believe, the ranking member, that this be done. I do not think there is any opposition from any member of the subcommittee.

So, Mr. Chairman, I hope that the amendment will be accepted and that we can move on to the following.

Mr. SMITH of Michigan. Mr. Chairman, I reserve the balance of my time.

Mr. ROEMER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in strong support of this amendment, and do so for the following reasons. Mr. Chairman, as we look out across America and we see people working so hard, sometimes both people in the family are working to support their children. Sometimes small businesses are making very, very tough decisions to stay in a mode where they are growing and maybe just making it through that year. We here in the House of Representatives need to make decisions to help balance the budget and move toward a balanced budget sooner rather than later.

Now, if balancing the budget starts at home, it certainly should start in the House of Representatives here with our own accounts.

What this amendment simply does, it simply says that when you make some of those tough choices and those tough decisions in your own office to save money, do not let money be respent and go toward somebody else's office where they are spending more money on their office or on mail.

Last year we were able to pass this amendment 403 to 21. The gentleman from New Jersey [Mr. ZIMMER] and myself and the gentleman from Michigan [Mr. SMITH] and the gentleman from Michigan [Mr. CAMP] and a host of other people, the gentleman from Minnesota [Mr. MINGE], helped pass this amendment and say for the first time that when you are fiscally responsible as a Member of Congress, you are going to contribute to deficit reduction and not contribute to somebody else's office funds where they are spending too much of those funds on mail or staff or some other thing.

Let me say too, Mr. Chairman, that this language is identical to my bill, which is H.R. 26. I have 126 cosponsors on this legislation, both Republicans and Democrats, working together to find new innovative ways to help balance the budget and reduce the deficit that Congress and the Presidents have created over the past 20 years.

So, Mr. Chairman, I think this is an innovative approach. It certainly is an approach where we say balancing the budget must start inside the Beltway. It must cut Washington, DC, spending first. It must say that it starts in the home, which is the House of Representatives. And it says, I think in a bipartisan way, the support of bipartisanship that so many people in this country want to see that, we have come up with a new idea, a new way to balance the budget.

Mr. Chairman, I am very proud to be an original sponsor and the sponsor of the bill H.R. 26. I am very, very happy to work with the gentleman from Michigan [Mr. SMITH] and others.

Mr. THORNTON. Mr. Chairman, will the gentleman yield?

Mr. ROEMER. I yield to the gentleman from Arkansas.

Mr. THORNTON. Mr. Chairman, I would like to congratulate the distinguished gentleman from Indiana for his leadership in this bipartisan effort and would like to state that certainly the amendment is acceptable to the minority. As the chairman has stated, it is acceptable to the majority. I hope that we will be able to get a good vote on this for the gentleman.

Mr. ROEMER. Mr. Chairman, reclaiming my time, I thank the gentleman.

Mr. Chairman, I reserve the balance of my time.

Mr. SMITH of Michigan. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, it is not a giant step in the way we are changing business in the United States Congress. Maybe it could be akin to the baby step forward. But still, if every Member of Congress knows how much they are spending for the carts, for the computers, for everything they buy in that office, and we start running our offices like a business, it will help save tazpayer dollars.

Last year, for the first time in history, we had made a decision in this Congress to return this money to Treasury to go toward deficit reduction. That is our goal. Balancing the budget needs to be ever on our minds as we strive to make sure that our economy and jobs expand. I urge my colleagues to support this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. ROEMER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would just say in concluding my remarks, because we were hopeful that a number of the cosponsors such as the gentleman from Michigan [Mr. CAMP], the gentleman from Minnesota [Mr. MINGE], the gentlewoman from California [Ms. HARMAN], the gentleman from Wisconsin [Mr. KLUG], the gentleman from Florida [Mr. GOSS], the gentleman from Alabama [Mr. BROWDER] might show up to speak, but I know a number of Members have commitments and hearings and markups and so forth.

But, again, Mr. Chairman, the strong vote last time by the House, by the entire body here who controls how we spend our money and how we save our money, 403 to 21; 403 Democrats and Republicans coming up with a new idea, saying to this body and to taxpayers across the country, we will save money in our office accounts, tighten our own belts and contribute that money to reducing the deficit. That is a positive step forward, I think.

I do not know whether the gentleman from Michigan intends to call for a rollcall vote. Certainly, with the bipartisan support from the Republican and Democratic sides, I will not call for a vote, especially in light of the strong vote that we had last time, but I would continue to urge Members to support this measure when they are talking to the gentleman from California [Mr. PACKARD] and the gentlemen from Arkansas [Mr. THORNTON], and that we may also look next year at including the leadership funds into this package of savings as well, so that everybody across the board contributes to deficit reduction.

Mr. Chairman, I yield back the balance of my time.

Mr. SMITH of Michigan. Mr. Chairman, the gentleman from Indiana [Mr. ROEMER] and I have both offered freestanding bills on this. I hope we can move forward.

Mr. Chairman, I yield 30 seconds to the gentleman from Michigan [Mr. CAMP].

Mr. CAMP. Mr. Chairman, I thank the gentleman from Michigan for yielding and I want to commend my colleague from Indiana for working on this matter for a number of years, and I appreciate my colleague from Michigan's support on this as well. I think this is a positive amendment and I would urge my colleagues to vote for it. This would allow Members to return unspent office funds to the Treasury. It would allow them to use those funds returned for specifically deficit reduction and I urge the passage of this amendment.

Mr. Chairman, the 104th Congress has led a historic effort to reduce the deficit and incorporate fiscal responsibility into Federal spending.

Today, we again have the opportunity to lead by example. This amendment would allow Members to return unspent office funds to the U.S. Treasury for the specific purpose of deficit reduction. It would reaffirm our commitment to eliminating the Federal debt.

It is important that fiscal responsibility start at home. Since being elected to Congress in 1991, I have not spent over $565,000 of my office funds. Like most Americans, I have spent wisely and made do with what I had.

Naysayers claim that money can't be returned to the U.S. Treasury. Many Members, however, save taxpayer money by spending

less. These Members should be recognized for their efforts and taxpayers should be rewarded by allowing them to use unspent funds to reduce the deficit.

We should not abandon this effort because it requires some changes. This Congress has changed many things, and if need be, we can change to allow Members to contribute savings to deficit reduction.

By adopting this amendment we reaffirm our commitment to deficit reduction and fiscal responsibility. I urge my colleagues to support the amendment.

Mr. SMITH of Michigan. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in this bill, there is $363 million appropriated for legislative representative office expenses. Let us make a commitment today, now, that we are going to manage and safeguard those funds to the greatest extent of our managerial ability to make sure that taxpayers get their money's worth from the operations of our individual offices.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. SMITH].

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 6 printed in House Report 104–664.

AMENDMENT NO. 6, AS MODIFIED, OFFERED BY MR. CAMPBELL

Mr. CAMPBELL. Mr. Chairman, I offer an amendment, as modified.

The CHAIRMAN. The Clerk will designate the amendment, as modified.

The text of the amendment, as modified, is as follows:

Amendment No. 6, as modified, offered by Mr. CAMPBELL: Before the short title at the end of the bill, add the following new section:

SEC. 312. (a) In addition to any other estimates the Director is required to make pursuant to the Congressional Budget Act of 1974 and the Rules of the House of Representatives, the Director of the Congressional Budget Office shall, upon the request of the chairman of the Committee on the Budget of the House of Representatives (after consultation with the ranking minority member of that committee), prepare an estimate for any major spending legislation, as designated by the majority leader of the House of Representatives (after consultation with the minority leader of the House), of the change in spending and revenues resulting from the legislation on the basis of assumptions that estimate the probable dynamic macroeconomic feedback effects of such legislation, and shall include a statement identifying those assumptions. Such estimates shall be submitted to the chairmen and ranking minority members of the Committee on the Budget and of the committees of subject-matter jurisdiction, and, if timely submitted, shall be included in the reports on such legislation.

(b) In addition to any other estimates the Chief of Staff is required to make pursuant to the Congressional Budget Act of 1974, the Internal Revenue Code of 1986, and the Rules of the House of Representatives, the Chief of Staff of the Joint Committee on Taxation shall, upon the request of the chairman of the Committee on Ways and Means of the House of Representatives (after consultation with the ranking minority member of that committee), prepare an analysis of any major tax legislation, as designated by the majority of the House of Representatives (after consultation with the minority leader of the House), of the change in spending and revenues resulting from that legislation on the basis of assumptions that estimate the probable dynamic macroeconomic feedback effects of such legislation, and shall include a statement identifying those assumptions. Such analyses shall be submitted to the chairmen and ranking minority members of the Committee on Ways and Means and of the committees of subject-matter jurisdiction, and if timely submitted, shall be included in the reports on such legislation.

(c) Estimates and analyses made pursuant to this section are to be used for informational purposes only.

The CHAIRMAN. Pursuant to House resolution 473, the gentleman from California [Mr. CAMPBELL] will be recognized for 10 minutes, and a Member opposed will be recognized for 10 minutes.

Does the gentleman from Minnesota [Mr. SABO] oppose the amendment?

Mr. SABO. Yes, Mr. Chairman.

The CHAIRMAN. The gentleman from Minnesota [Mr. SABO] will be recognized for 10 minutes in opposition.

The Chair recognizes the gentleman from California [Mr. CAMPBELL].

Mr. CAMPBELL. Mr. Chairman, I yield myself such time as I may consume. The amendment that I offer would permit an additional form of understanding and analysis of the economic effect of legislation that we pass here.

I begin by emphasizing the amendment does not replace any existing method at all. But in addition to existing methods, occasionally it is appropriate to consider what is called a dynamic economic model, and this has application on the tax side as well as on the expenditure side. Most of the literature in the academic world of economics has dealt with the dynamic effects on taxes or tax cuts, but I have been careful in this amendment to specify that this additional method shall apply to the dynamic effect of expenditures as well.

Mr. Chairman, I think that it is important that we have that kind of information available. This amendment allows that the chairman of the Committee on the Budget can request CBO, in addition to all the other means of analysis of a fiscal spending bill, to perform a dynamic economic analysis as well; the chairman of the Committee on Ways and Means, similarly, in addition to all other forms of economic analysis, can request dynamic economic modeling on tax bills as well.

In each case the Chair is required to consult with the ranking minority member. I would point out that this methodology is used already in several of the United States, specifically I know of the one in my own State of California. That it is actually a more difficult process for a State because the leakage, if you will, from a State economy is a greater problem to estimate than the leakage from the U.S. economy. And yet dynamic economic modeling is being practiced and offering value in the analysis of the States of Massachusetts and California.

Mr. Chairman, I conclude my opening remarks by observing that this amendment to the bill will provide additional information and does not supplant any other existing information. I cannot see how it would do anything but help our analysis and the job that we do on behalf of the citizens we represent. And I note in conclusion that the academic-economic research institutes that are engaged in this process so far include the National Bureau of Economic Research, which has offices at Harvard University and Stanford University, UCLA; the University of California at Berkeley, and the University of Michigan.

Mr. PACKARD. Mr. Chairman, will the gentleman yield?

Mr. CAMPBELL. I yield to the gentleman from California.

Mr. PACKARD. Mr. Chairman, I thank the gentleman for yielding. This amendment does authorize the Congressional Budget Office and the Joint Committee on Taxation to use the dynamic scoring model on spending and tax legislation for informational purposes only.

This is an issue that is within the jurisdiction of the Committee on the Budget and the Joint Committee on Taxation, and I understand that it has been approved and has received agreement of the gentleman from Ohio [Mr. KASICH], the chairman of the Committee on the Budget, as well as the gentleman from Texas [Mr. ARCHER], the chairman of the Joint Committee on Taxation. And with that approval, I have no objections and would be more than pleased to accept the amendment.

Mr. CAMPBELL. Mr. Chairman, reclaiming the balance of my time, might I inquire how much time I have remaining?

The CHAIRMAN. There are 7 minutes remaining.

Mr. CAMPBELL. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from New Jersey [Mr. SAXTON], the chairman of the Joint Economic Committee.

Mr. SAXTON. Mr. Chairman, first let me commend the gentleman from California [Mr. CAMPBELL] for the extremely diligent and hard work that he has done in bringing this amendment to the floor. I think it is of great importance, and I guess from the Joint Economic Committee point of view, the best I think to say is very simply that we talk about growth policy in taxes, and we talk about the negative aspects or the negative effects of high taxes, and I think on both sides of the aisle we share the belief that there is a stimulus that can be gained if we are smart about tax policy. And we also recognize, I think on both sides of the aisle, that bad tax policy can work as a wet blanket on the economy, a wet blanket on our revenue. And yet the rules that we operate under deny any of that takes place.

And so, the gentleman's amendment gives the chairman of the committee the opportunity, the choice to make as to whether or not they want to treat a particular item of tax policy and score it and figure out what is going to happen in terms of our revenue from a dynamic model, meaning that we accept the fact that there will be some changes positive or negative, and that that can be factored into the equation.

One of the things that happens around here to all of us in Congress is that people do not think that we know what we are doing. And I think sometimes that happens with good cause. If we, on the one hand, say that we are going to pass a certain tax because we want to make the economy grow and hence enhance our revenue stream, and yet our rules tell us that that cannot happen and we cannot consider those facts, then, in fact, the public is certainly entitled to think we do not know what we are doing.

Mr. Chairman, I was fishing the other day in the rain. This is a story that goes along with this static model, I think. I was fishing in the rain the other day and I got off the boat after having a wonderful day fishing and the skipper said, How did you like it? I said, it was wonderful, we caught fish, the company was good, but the only thing is my glasses kept fogging up because it was raining. And he said, You should be used to that; you are from Washington.

And this static rule is one of the things around here that perpetuates the knowledge, the belief among the American public, that we do not know what we are doing and that our glasses are, in fact, foggy.

So, Mr. Chairman, the amendment of the gentleman from California will go a long way, in my view, toward unfogging our glasses and letting us know ahead of time what it is that our policy will produce.

Mr. CAMPBELL. Mr. Chairman, I reserve the balance of my time.

□ 1415

Mr. SABO. Mr. Chairman, I yield myself 2 minutes, and I rise in opposition to the amendment.

Mr. Chairman, this bizarre amendment in some ways yields incredible powers to the majority leader. Second, I would remind Members who eventually decides how things are scored here is the Committee on the Budget. CBO is advisory. This provides the option for the Committee on the Budget to use new, crazy, funny numbers to score a variety of proposals, either on the tax or the spending side. Lots of folks I have heard on my side of the aisle over the years come with proposals on the spending side that say, if we do this, this will save all this money in outyears. We have not followed that.

Mr. Chairman, this is another of those sort of ideological proposals. Part of it has had hearings. The hearings that relate to the tax side were held in January of 1995. There have not been any hearings on the spending side of this proposal. But those hearings were overwhelmingly against moving to this type of dynamic scoring.

Let us be clear, the current system is not pure static. Members do look at the impact of legislation. But let me read what Federal Reserve Board Chairman Alan Greenspan had to say before the Committee on the Budget of Congress on January 10, 1995, and I know my friend from California was not here then. Let me quote:

> Can we effectively create an econometric model which fully captures all the effects of a specific policy action? I would say to you, not in our lifetime.

Let me continue with another one:

> We should be especially cautious about adopting technical scoring procedures that might be susceptible to overly optimistic assessments.

Third quote:

> Should financial markets lose confidence in the integrity of our budget scoring procedures, the rise in inflation premiums and interest rates could more than offset any statistical difference between so-called static and more dynamic scoring.

This is an amendment that should not be adopted.

Mr. CAMPBELL. Mr. Chairman, I yield myself 30 seconds.

It may be that my good friend and colleague has been referring to an earlier version of the bill because the majority leader is not in this bill at all. So the gentleman's opening comment worrying about the delegation of authority to the majority leader is not in this bill or in this amendment.

Let me repeat what the amendment does. It supplements, it never replaces. And regarding Alan Greenspan's testimony, what he was saying is absolutely right. Never in our lifetime will we know everything. But as a supplement to what we now do as opposed to a replacement for it, I do not believe he was speaking against this proposal.

Mr. Chairman, I reserve the balance of my time.

Mr. SABO. Mr. Chairman, I yield myself 15 seconds.

Let me apologize. The version of the amendment that I saw had majority leader. Let me also indicate to the gentleman that it is the Committee on the Budget that eventually scores budgets and that adopts assumptions around here. This provides a mechanism for them to use this new untested and unproven method for purposes of both budgets and scoring bills.

Mr. Chairman, I yield 2 minutes to the gentleman from North Dakota [Mr. POMEROY].

Mr. POMEROY. Mr. Chairman, I thank the gentleman for yielding.

As a member of the Committee on the Budget, I participated in hearings on the concept of dynamic scoring and acknowledge to the amendment's sponsor that, as a hypothetical matter, the dynamic impact of public policy decisions made by Congress in the spending and tax areas certainly has legitimacy. In fact, presently the CBO does contemplate changes in resulting behavior.

If my colleagues look at, for example, the varying CBO estimates on health policy expenditures, they see that there is a small element of dynamic scoring presently at play in CBO assumptions. The larger question though is, Does the methodology exist that allows dynamic scoring to proceed with a degree of legitimacy that would play in public policy debate?

On this exact question I put to Mr. Greenspan when he was before us, my question from the transcript: Reading your testimony, it seems to me to indicate, while there may be a conceptual legitimacy to concepts of a more dynamic approach in scoring, we simply do not have the tools, the ability at the present time to reasonably quantify in a way that would give anyone the certainty required under this deficit picture that we should move toward a more dynamic process; is that correct?

Mr. Greenspan's response: On the broader question of can we effectively create an economic model which fully captures all the effects of a specific policy action, I would say to you, not in our lifetime.

Now, what is so important here is that, literally, these dynamic assumptions, we would be asking Congress literally to bet the ranch on their legitimacy. Both parties have members that say, we cut taxes, we are going to make more money, or we increase spending and we will actually reduce government outlays. Of course, those very concepts are antithetical. Yet, on the other hand, using a dynamic scoring model, we may have some very erroneous partisan-driven assumptions placed on a dynamic model, and it would, I think, jeopardize seriously the budget debates of this Congress.

Mr. SABO. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. STENHOLM].

(Mr. STENHOLM asked and was given permission to revise and extend his remarks.)

Mr. STENHOLM. Mr. Chairman, I oppose this amendment as a member of the Committee on the Budget. In some of the debates we have already heard today, it needs to be pointed out to the House we already have dynamic scoring. That is already, when it is supportable it is used. That is the way it ought to be. The idea that CBO uses only static scoring is erroneous. If dynamic scoring is a good thing, it should be a good thing in all instances, not just when the Committee on the Budget chairman finds that it will serve his purpose to use it in consultation with the ranking minority.

Saying that the dynamic scoring is only informational ignores the fact that all CBO scoring is informational. It is the Committee on the Budget which ultimately decides which assumptions to use. And therein I want to close by again repeating the words that we should heed, those words of Alan Greenspan, when he testified earlier this year in the Committee on the

Budget. He stated, clearly, our political process has a bias to words deficit spending, a bias toward deficit spending. Accordingly, we should be especially cautious about adopting technical scoring procedures that might, might be susceptible to overly optimistic assessments of the budgetary consequences of fiscal actions. We must avoid resting key legislative decisions on controversial estimates of revenue and outlays. Should financial markets lose confidence in the integrity of our budget scoring procedure, the rise in inflation premiums and interest rates could more than offset any statistical difference between so-called static and more dynamic scoring.

We should oppose this amendment today. It does not serve a helpful purpose. At a time in which we clearly are needy, have got the deficit heading in the right direction. This is not a time to be experimenting with somebody's philosophical beliefs.

Mr. CAMPBELL. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. COX].

Mr. COX of California. Mr. Chairman, is it the case that because we cannot know everything, which was the burden of Alan Greenspan's comment, we must, therefore, know nothing? This is a very sound amendment. It would permit us some additional information only. Are we so frightened of information that we do not wish to know it?

Right now under our current arrangements, the Congressional Budget Office makes macroeconomic estimates of gross domestic product, unemployment, interest rates. And then the Joint Committee on Taxation, when it takes a look at our revenue legislation, finds that these things are fixed and immutable like the old stars in an Aristotelian firmament. Nothing that we do with revenues can affect unemployment. Nothing that we do with tax legislation can affect interest rates or gross domestic product. Those things are fixed.

Yes, we can take behavior into account, but only within this box that is already fixed in advance by CBO. We know this does not work. We know it produces false results.

When I was on the Committee on the Budget, I had a chance to ask the director of CBO, Robert Reischauer why it was that on average CBO's estimate of the deficit were in error by over 100 percent. That kind of estimating error would get you fired anywhere in the private sector. His answer was, we are not as far off as OMB, as the White House budget estimators. There is no way in the world that anyone can say that what presently we do makes sense or appreciates reality.

When we increased the rate of tax on capital gains by 40 percent in 1986, revenues to the Treasury dropped by a third. But CBO, using this model, and joint tax, using this model, told us that revenues were going to go up but we increased that stated rate.

We have a lot of real world evidence that tells us that the flat earth econometric model, if we can call it an econometric model, simply does not work as in use around here.

So what my colleague, the gentleman from California [Mr. CAMPBELL], is telling us is, let us experiment, yes, by looking at this for informational purposes only. We will not use it. It will not supplant our current scoring system, but we can have the information. If Members want to bury their heads in the sand and follow flat earth economics forever into the future, vote no. But if they want an honest evaluation and new information, vote yes on this very sound amendment.

Mr. SABO. Mr. Chairman, I yield 1 minute and 45 seconds to the gentleman from Utah [Mr. ORTON].

(Mr. ORTON asked and was given permission to revise and extend his remarks.)

Mr. ORTON. Mr. Chairman, I rise in opposition to the amendment from my friend, the gentleman from California. We have heard the technical reasons why to oppose this amendment. We have heard Dr. Greenspan quoted.

I recall the Committee on the Budget, Joint Committee on the Budget hearing we held early in the session with House and Senate Members. The conclusion broadly from every economist was that to the extent that we need dynamic scoring, they already can do it. But to suggest additional rosy scenarios be injected into it was a huge mistake.

Before we make this mistake again, let us just look back at the historical record. This amendment says that CBO should consider other impacts which would increase revenue projections, dynamic scoring of revenue provisions, beyond just the revenue coming in and so on.

Let us look at the record of CBO over the last 15 years. Look, every line above this median is a year in which the CBO underestimated the deficit. About half of each of these underestimates are they assumed that we would spend less than we actually did, but the other half is they assumed we would generate more revenues than we did.

The previous speaker said that in 1981, we made these changes. In 1986, we made tax changes. And if we had been able to dynamically score and increase the rosy scenario even greater, we would have suggested even more revenue come in.

Look at what happened right after 1981, when we assumed that all of these tax reductions would increase revenue. They overestimated revenues.

I submit that the facts suggest that CBO already overestimates. Let us not create even more rosy scenarios. I urge the defeat of this amendment.

Mr. Chairman, I rise in opposition to this amendment, offered by the distinguished gentleman from California.

I leave others to point out the technical reasons why this amendment should be opposed. I would like to focus on the practical impact.

The clear intent of this amendment is to encourage more optimistic assumptions about Federal revenues and expenditures, in the projections made by the Joint Committee on Taxation and the Congressional Budget Office.

Before we do so, let us look at the historical record. Over the last 15 years, we have seen our national debt soar from $1 to $5 billion. Annual deficits have been out of control.

Let us look at the accuracy of our projections by CBO over this period. With the exception of the last few years, the CBO has consistently and dramatically underestimated budget deficits. In fact, it did so for 13 consecutive years, with an average underestimate of $42 billion.

Some years, the difference was astounding. In 1990, CBO projections underestimated the deficit by $119 billion. In 1983, the underestimate was $91 billion. As CBO's annual Budget Outlook shows, these underestimates reflect both a consistent underestimate of spending and an overestimate of revenues.

Thus, in a period in which deficits have skyrocketed, and which CBO has chronically underestimated our deficits, we are contemplating an amendment which would exaggerate CBO's tendency to use overly rosy projections.

Mr. Chairman, my colleagues on the other side of the aisle spent several months last year extolling the virtues of CBO projections, of using conservative estimates. They strongly attacked the administration for using less conservative assumptions.

Now, in a remarkable about face, we are considering a proposal to use less conservatives, less reliable projections of Federal spending and revenues. Budget expert after budget expert have criticized this approach.

With month's passage of a budget that actually increases the deficit each of the next 2 years, it is clear that we are retreating from a policy of fiscal discipline. Let us not turn this retreat into a rout.

Vote down the Campbell amendment.

Mr. CAMPBELL. Mr. Chairman, I yield myself the balance of my time.

To my friend from Utah, is it his statement, is the gentleman informing the body that CBO, under present estimation techniques, has gotten it wrong in every year that he has for us on the chart?

Mr. ORTON. Mr. Chairman, will the gentleman yield?

Mr. CAMPBELL. I yield to the gentleman from Utah.

Mr. ORTON. What this chart shows is that in each year, the CBO has underestimated deficits up until 1993, which they overestimated the deficit. About half, look at 1990, they underestimated the deficit by $119 billion. Half of that was revenue.

Mr. CAMPBELL. Mr. Chairman, is not the point of the gentleman's chart that under present methods of estimation, CBO has it wrong every year that he shows us?

Mr. ORTON. Mr. Chairman, if the gentleman will continue to yield, CBO has it wrong, but under the gentleman's proposal CBO would have it even more wrong and we would have even higher deficits.

Mr. CAMPBELL. Mr. Chairman, we are adding to the information store. There is no way we can do harm by providing additional sources of information.

As my good friend from Utah just admitted, the present system is so bad we have been estimating wrongly every time. In order to take account of both sides in this debate, this dynamic method is applicable to fiscal as well as tax policy. It is being used in three States.

□ 1430

The errors in the observations that have been made in opposition to this amendment are simply these. We cannot do worse by getting more information. We are not substituting dynamic modeling for the present system, and I have no better criticism of the present system than the words my colleague from Utah made clear to all of us: The present system has got it wrong every year we can measure.

Mr. SABO. Mr. Chairman, I yield 2 minutes, the balance of my time, to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Chairman, what this is about is very simple. It is about giving away goodies without having found a way to pay for them. We have seen time and time again that our Republican friends in this Congress want to propose to cut taxes for the wealthy and for special interests. It has been their No. 1 priority. The problem is that they keep running into a situation in which the commonsense budget rules require them to pay for any tax reductions that they provide.

We saw last year how the Republicans would like to pay for those tax breaks. They wanted to cut Medicare, they wanted to cut education, they wanted to cut school lunches; the American people objected. And so now what are we back to? We are back to the resurrection of the David Stockman rosy scenario business.

I would remind my colleagues what happened the last time the country used dynamic scoring. We were promised by David Stockman, who ran the budget office for President Reagan, that if we passed his magic budget which cut taxes and raised defense spending, we would cut our deficit from $55 billion to zero within 4 years. Instead, using his dynamic scoring, that deficit went up from $55 billion to $208 billion, and finally they shaved it a bit to $185 billion.

I would simply suggest, if we were not paying for the added deficits that were added during those Reagan years, this budget would be in balance right now. That is the broblem, that is the problem, and this amendment will simply take us back to those good old rosy scenario days when we use phony estimates on revenue, and that allows us to spend more money on other things. We dare not do that if we want to remain fiscally responsible or even retain a pretension at fiscal responsibility.

I would simply say experience, as my colleagues know, is that quality which enables us to recognize a mistake when we make it again, and, if passed, this amendment today will be making the same mistakle again. I urge my colleagues not to do it.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from California [Mr. CAMPBELL].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. CAMPBELL. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 473, further proceedings on the amendment offered by the gentleman from California [Mr. CAMPBELL] will be postponed.

It is now in order to consider amendment No. 7 printed in House Report 104–663.

AMENDMENT OFFERED BY MR. GUTKNECHT

Mr. GUTKNECHT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. GUTKNECHT: Page 35 after line 22, insert the following new section:

SEC. 310. Each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by 1.9 percent.

The CHAIRMAN. Pursuant to House Resolution 473, the gentleman from Minnesota [Mr. GUTKNECHT] and a Member opposed each will control 10 minutes.

Is there a Member seeking time in opposition?

Mr. PACKARD. Mr. Chairman, I would like to seek that 10 minutes, and I ask unanimous consent that I be permitted to yield 5 minutes of that time to the gentleman from Arkansas [Mr. THORNTON].

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The chair recognizes the gentleman from Minnesota [Mr. GUTKNECHT].

Mr. GUTKNECHT. Mr. Chairman, I yield myself as much time as I may consume.

Mr. Chairman, earlier today we heard a powerful speech from the new prime minister from Israel, Mr. Netanyahu. In it he said that real democracy allows dissent and honest debate, and we are here today to offer some dissent and honest debate. A few months ago, when we were adopting, in fact about a month ago when we were adopting, the budget resolution, we were rightly criticized by Members and leadership on the other side of the aisle for allowing the deficit to go up, and as one of the freshmen who came here promising to do what we could to balance this budget, to balance the people's budget, I was one who really felt we made a terrible mistake by allowing spending to go up more this year than we had agreed we would do just last year, and so, as a result, I and some of my freshmen colleagues sat down and said, well, what can we do? It is not enough just to vote no. We ought to have a constructive plan to help recover that fumble.

By our calculations what really happened is we have allowed ourselves to agree to spending levels that are about $4.1 billion more than we agreed to last year in our 7-year budget plan. What I am offering today is the same amendment that we have offered to virtually every appropriation bill since the adoption of the conference committee report on the budget resolution, and that is to reduce overall spending across the board 1.9 percent.

Now, Mr. Chairman, that is less than one notch in a belt. In fact, if I compare that to a haircut, and what we are asking the legislature to do is to reduce its expenditures by 1.9 percent, if we compare to that a haircut, that is a haircut of less than ⅛ of an inch.

Frankly, Mr. Chairman, that is not much of haircut, and I think we should lead by example, and I would hope that we can get this amendment agreed to and that we can all agree to make at least some sacrifice in terms of balancing the people's books.

Mr. Chairman, I reserve the balance of my time.

Mr. PACKARD. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in strong opposition to this amendment.

If this subcommittee had not done its job effectively, I could probably agree to this amendment. But there is no subcommittee on appropriations that has done a better job of cutting itself and all the agencies that it represents better than this subcommittee. We have cut ourselves, the legislative branch of Government, almost 12 percent between last year and this year. We have gone far beyond what the intent of the author of this amendment would have asked us to do last year and this year, and to ask us now to absorb another 2 or almost 2 percent cut across the board I think would cut deeply into programs and agencies that simply the Congress would be ill advised to cut.

I think the first point I would like to make is that an across-the-board cut is not a good way to prioritize our spending programs. It is a lousy way to prioritize, frankly. But we have not used that as our procedure. We have funded those programs in this bill that ought to be funded at level funding. We have cut those programs that ought to be cut, and we have done a very responsible job, I believe, in doing it in an orderly way.

But this would cut the Library of Congress in ways we would have to have a hundred library employees fired. We have asked the library to cut back in their staffing, and they have done so, but they have done it in an orderly way, and this would eliminate the ability to fund the increases, the mandatory increases, for staff COLA's in our offices and in all of the agencies that

we represent in this bill. Some 28,000 copyrights would not be registered, and that would be unconscionable, I think, in the Library of Congress; 2,800 Braille books and 88,000 sound recordings would not be made available to the blind and handicapped patrons of the library.

The House Appropriation Committee has already eliminated unnecessary legislative funding and programs. We have cut ourselves $262 million over the past 2 years. I do not know why they are asking us to make further cuts when we are the model of cutting in the entire appropriating process.

I would hope that the House would reject this amendment. It will have, I think, personal effects upon our own offices and our staffs, but more importantly it will eliminate programs and cut programs deeper than what we feel is necessary and useful.

Incidentally, our bill comes in at 18 percent below the 602(b) outlay target and 23 percent below the 602(b) budget authority target, Senate items excluded. How can our colleagues ask us to do any better than that?

Mr. Chairman, I reserve the balance of my time.

Mr. THORNTON. Mr. Chairman, I yield myself such time as I may consume, and I join the chairman of the committee in vigorous opposition to this amendment which transforms what is a studied, careful, and heavy reduction in appropriations into one which can have a very detrimental effect.

I am an airplane pilot, and I know that when I get up into the air in an airplane I pull back gently on the mixture control in order to get an efficient, good-running hot engine to pull me through the air while using the least amount of fuel. But there comes a point, Mr. Chairman, where by pulling that mixture control back just a little too far, there is silence—when the engine stops running because the fuel has been cut too much. We do not need to take that drastic measure with regard to the very important functioning of the legislative branch of Government.

We have cut this branch by over 20 percent in numbers of employees over the past 5 years. It is exemplary of what we should be doing throughout the Government, and the reason that we are upon this path of a balanced budget is because the legislative branch is doing its duty under the Constitution. We do not need to make across-the-board cuts which cut funds for books for the blind, which cut funds for COLA increases for valuable employees of the legislative branch of Government. This amendment would impose radical cuts across the board instead of singling out particular cuts that should be made.

Mr. Chairman, I strongly oppose the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. GUTKNECHT. Mr. Chairman, I yield 3 minutes to the gentleman from Oklahoma [Mr. COBURN], my freshman colleague.

(Mr. COBURN asked and was given permission to revise and extend his remarks.)

Mr. COBURN. As my colleagues know, it is interesting. The gentleman from California [Mr. PACKARD] and his committee have done a good job. This debate is not about whether or not they have done a good job. It is whether or not we can let us not do a better job.

We have the greatest respect for what the gentleman from California and his committee have done. But as my colleagues know, it is these 2 pennies. It is can we save 2 pennies? Can we be 2 percent more efficient? Can we do more?

I have been in Washington 19 months, and what I have heard is ''can't.'' The fact is that the debt that our children, our children and grandchildren, are going to get to pay back is rising at the rate of $2.785 billion a day, and what we are saying is: 2 percent. Now, if we were at war right now and we got together as a country and said we have an objective, the objective is to defeat the enemy, well, we have an enemy in front of us as a Nation, and that enemy is our deficit and our debt.

Two percent, 1.9 percent; 2 pennies out of every dollar to preserve opportunity for our children; it is not too much to ask. The two gentlemen that are speaking in favor of this amendment ran their offices for $100,000 less than the Congressmen before them in spite of the fact this past year, in spite of the fact that we had a reduction in the opportunity for more. So the point, I would say, is we can effectively represent our districts, we can effectively accomplish what we need to accomplish by being 2 percent more efficient.

The fact is in this bill spending goes up about 1.9 percent over last year, and what we are asking is to freeze the spending, essentially a 2-percent cut in the bill, pulling things down so that our children and our children's children will not be enslaved by debt. $2.785 billion a day because this Congress will not live within its limits of the money that comes to it.

When I leave this place, I want to be able to say that I did everything that I could to ensure opportunity and preserve opportunity for my children and the children that are from my district.

Mr. PACKARD. Mr. Chairman, will the gentleman yield?

Mr. COBURN. Mr. Chairman, I yield to the gentleman from California.

Mr. PACKARD. Mr. Chairman, I think I need to correct one misunderstanding that apparently the gentleman has got in this amendment. We are cutting this year 2.2 percent in addition to last year's cuts of 9.5 percent. We are not increasing 1-point-something percent at all. In fact, we are cutting this bill. If every committee and every program in the Government cut to the extent this bill cuts, the Federal budget would be in balance this year and there would be a $100 billion surplus.

Mr. COBURN. Mr. Chairman, that would be a great thing.

□ 1445

Mr. PACKARD. Mr. Chairman, I yield 1 minute to the gentleman from Louisiana, Mr. BOB LIVINGSTON, the chairman of the Committee on Appropriations.

Mr. THORNTON. Mr. Chairman, I yield 1 minute to the gentleman from Louisiana [Mr. LIVINGSTON], chairman of the Committee on Appropriations.

The CHAIRMAN. The gentleman from Louisiana [Mr. LIVINGSTON] is recognized for 2 minutes.

(Mr. LIVINGSTON asked and was given permission to revise and extend his remarks.)

Mr. LIVINGSTON. Mr. Chairman, I thank the gentlemen for yielding time to me, and I rise in very strong opposition to this amendment. The fact is that this bill does cut 2.2 percent or $37.4 million already. We can pick up a pocket of change and say all we are talking about is 1 percent, 2 percent, 5 percent, 10 percent, it does not mean anything. When we look in terms of whether or not it is Library of Congress jobs, or jobs on the staff of your office or, in other bills it is Indian reservation jobs, or in other bills water project jobs, the fact is that we are talking about real and meaningful people who are going to be cut here. The question is, can we do the job?

Look, the U.S. Congress is paring down the discretionary budget in all 13 appropriations bills for the first time in modern times. We have saved $20 billion in fiscal year 1995, $23 billion in fiscal year 1996, and we are on the way to saving $15 billion to $20 billion in fiscal year 1997. If we look at where the President would have had us, if he had a Congress like he had 2 years ago, we are saving about $80 billion in the discretionary budget.

I heard the argument of the gentleman from Oklahoma. He is not concerned about the discretionary budget. We are doing the job. The problem is in the mandatory side of the equation. We have not done the first thing on mandatory. That is the problem. If Members want to do something constructive for their constituents, go back and tell them how we can figure out how to save our citizens, to save our children and the economy of this country by restraining the mandatory spending of this Government.

We are already doing the job here. For that reason, I urge the defeat of this amendment.

Mr. GUTKNECHT. Mr. Chairman, I yield 3 minutes to my freshman colleague, the gentleman from Indiana [Mr. SOUDER].

Mr. SOUDER. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I, too, want to commend this subcommittee, as well as the full Committee on Appropriations, on their efforts on discretionary. It is indeed unfortunate that we are not dealing with the mandatory spending. But

the fact is that unless something miraculous happens, we are not going to deal with the mandatory spending, so we are forced to deal with the discretionary spending.

In the budget resolution many of us were concerned that there was a bump-up in the second year, so 1.9 percent off of all the appropriations bills would eliminate that bump-up. This is not aimed at any particular committee. It is very easy to demagog on House expenditures. Probably if we put this to a vote in the general public, they would cut us 80 percent.

At the same time, the truth is that there needs to be functions here, and 1.9 percent will not devastate our ability to communicate to our constituents, it will not devastate our ability to convert to computers. We are spending $211 million on that, 12 percent of the full funding. A 1.9-percent change there would not devastate our ability to do what we need to do, which is to be able to move into the age of the computer communications, the Internet.

We can deal with this. If we can deal with 1.9 percent changes and bigger changes in social spending, if we can deal with those 1.9 percent cuts in other areas, we can deal with it in legislative appropriations. It is inconsistent for this Congress to say that we will cut everybody else and we will put the pressure on everybody else, but we will not put that much on ourselves. A 2.2-percent cut is commendable and better than we have done in the past, but we can do more than that, and we need to be willing to sacrifice if we are going to eliminate the budget deficit.

In Indiana, they do not understand why it has taken us 7 years. We should be able to balance our budget in a lot shorter than that. To deal with that, unless we deal with mandatory, we have to do more out of discretionary. I do not believe 1.9 percent will devastate our ability to communicate.

I want to commend the gentleman from Minnesota, who has been persistent in spite of pressures with this. Persistence is one of the traits that Minnesotans develop because of the cold weather. I think the persistence in SPAN, which is in his district, are the two things which gave him that special courage.

We are going to continue to do this because we believe it is critical to our children and to this Nation to a move to a balanced budget. It is important that we in the legislative branch take the initiative. This 1.9 percent plus 2.2 is a 4.1 percent reduction. That is not going to cripple our ability to communicate, to do committees, or our personal work.

Mr. THORNTON. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Florida [Mr. MILLER], a member of the subcommittee.

Mr. MILLER of Florida. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise today in opposition to this amendment. I do so reluctantly, because I feel I am a very strong fiscal conservative. I think my record, both on the Committee on Appropriations and the Committee on the Budget, will demonstrate that. But this is not the way to do it.

Across-the-board cuts did not work when we had Gramm-Rudman. We need to make the tough choices. That is what we are doing in the Committee on Appropriations, making tough choices in all the appropriations bills. We have made those tough choices. Going across the board in addition is not the way to go, especially for this specific appropriation bill, because in this appropriation bill we have cut over 10 percent from the 1995 numbers. We have cut in real dollars, not baseline cutting, but real dollar cuts. So to cut more, are we going to cut security in the Capitol? We have made those tough choices and decided how many security we are going to need. We do not need to have additional cuts like this. I oppose this amendment, and I encourage my colleagues to oppose this amendment.

Mr. GUTKNECHT. Mr. Chairman, I yield myself such time as I may consume.

The CHAIRMAN. The gentleman from Minnesota [Mr. GUTKNECHT] is recognized for 2 minutes.

Mr. GUTKNECHT. Mr. Chairman, the gentleman from Florida just referred to Gramm-Rudman. I think that is a great example. That is an example of a plan that did not work. The reason it did not work is because Congress did not have the courage to stay with the plan. What this amendment is about and what all the amendments we have offered to all the other appropriations bills is about is keeping faith with the plan we offered last year.

The gentleman from California is absolutely right, they have done a good job. We are actually reducing the cost of operating this Congress. But the truth is that we are still increasing the amount we are going to spend on ourselves by 1.9 percent over what we said we were going to spend last year. This amendment is a good faith amendment. It is about keeping faith with the people of this country. It is about keeping faith with our kids.

Mr. Chairman, 1.9 percent, as I said earlier, is like getting a haircut of one-eighth of a inch. You would not even notice it. We would not notice it in this bill, frankly. We may have to buy less computers. Many of us are operating our budgets at $100,000 less than we were authorized to earlier.

I talked about Prime Minister Netanyahu. I do not always remember who gave this quote. I want to close with this quote. I do not remember who said it. He said, if you want to change the world, you have to first change your neighborhood. If you cannot change your neighborhood, at least you ought to be a good example.

This is about setting a good example. If we are serious about balancing the books of the people of the United States of America, if we are serious about saving the future and the American dream for our kids, then we have to be willing to tighten our belts. This is about setting a good example with the Congress itself, with our own legislative appropriation. It is only 1.9 percent, and I believe there is not a Member in this body who does not believe we cannot tighten our belts that small fraction.

Mr. Chairman, I would have hoped we would have had bipartisan support on this. I think this is a good example. I hope all Members will join us in supporting this simple and very, very innocuous amendment.

Mr. THORNTON. Mr. Chairman, it gives me great pleasure to yield my 1 remaining minute to the gentleman from California [Mr. THOMAS].

(Mr. THOMAS asked and was given permission to revise and extend his remarks.)

Mr. THOMAS. Mr. Chairman, I rise very reluctantly in opposition to the amendment of my friend, the gentleman from Minnesota. I do not know about the other areas of the appropriations package. I do know about the legislative branch. I worked very, very closely with the gentleman from California, and look at where we have gone.

I do want to correct slightly the gentleman's numbers. In fiscal year 1995 it was $1.9 billion. Last year it was $1.72 billion. This year it is $1.68. Those are declining real numbers every year. Last year, because it was larger, we cut $154 million. We cut the committees by one-third when we came in, saving $67 million. This year, notwithstanding one-third of a cut in committees, the gentleman from California sharpened his pencil and came up with an another $37.4 million reduction over last year. We are talking about real reductions over last year, not reducing the increase. We do not play that game. This is a new majority. It is an absolute reduction. It is not a mindless across the board. It was focused on where we could cut. I support the gentleman generally, but not in this particular instance.

Mr. PACKARD. Mr. Chairman, I am very grateful to yield the balance of my time to the gentleman from Mississippi [Mr. WICKER], the former president of the freshman class, and also a very, very dedicated and useful member of the committee.

The CHAIRMAN. The gentleman from Mississippi [Mr. WICKER] I recognized for 1 minute.

Mr. WICKER. Mr. Chairman, I rise in opposition to the amendment, although it is well intended. The legislative subcommittee has already done its work. The gentleman from Oklahoma held up two pennies and said, ''We are just asking for about a 2-percent cut.'' Mr. Chairman, we have made that 2 percent cut. As a matter of fact, this bill represents a 2.2-percent cut from last year's level as the gentleman from California pointed out, that is not a cut in the rate of increase or a cut in the percentage in which we are spending extra money, that is a real cut,

$37.4 million in reductions. The gentleman who offers this amendment does so because the budget allocation was higher across the board than he wanted. I would simply point out to the gentleman that in our subcommittee, we have reduced the budget outlay by 20 percent below the budget allocation for this bill. This Congress is leading by example. We have done the work. We have saved the money. I urge defeat of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota [Mr. GUTKNECHT].

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. GUTKNECHT. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to the provisions of House Resolution 473, further proceedings on the amendment offered by the gentleman from Minnesota [Mr. GUTKNECHT] will be postponed.

The Committee will rise informally.

The SPEAKER pro tempore (Mr. CASTLE) assumed the Chair.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Edwin Thomas, one of his secretaries.

The SPEAKER pro tempore. The Committee will resume its sitting.

LEGISLATIVE BRANCH APPROPRIATIONS ACT, 1997

The Committee resumed its sitting.

The CHAIRMAN. It is now in order to consider amendment No. 8 printed in House Report 104–663.

AMENDMENT OFFERED BY MR. CASTLE

Mr. CASTLE. Mr. Chairman, I offer amendment No. 8.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mr. CASTLE: Page 35, after line 22, insert the following new section.

SEC. 310. (a) Each mass mailing sent by a Member of the House of Representatives shall bear in a prominent place on its face, or on the envelope or outside cover or wrapper in which the mail matter is sent, the following notice: ''THIS MAILING WAS PREPARED, PUBLISHED, AND MAILED AT TAXPAYER EXPENSE.'', or a notice to the same effect in words which may be prescribed under subsection (c). The notice shall be printed in a type size not smaller than 7–point.

(b)(1) There shall be published in the itemized report of disbursements of the House of Representatives as required by law, a summary tabulation setting forth, for the office of each Member of the House of Representatives, the total number of pieces of mass mail mailed during the period involved and the total cost of those mass mailings.

(2) Each such tabulation shall also include—

(A) the total cost (as referred to in paragraph (1)) divided by the number (as determined by the Postmaster General) of addresses (other than business possible delivery stops) in the Congressional district from which the Member was elected (as such addresses are described in section 3210(d)(7)(B) of title 39, United States Code); and

(B) the total number of pieces of mass mail (as referred to in paragraph (1)) divided by the number (as determined by the Postmaster General) of addresses (other than business possible delivery stops) in the Congressional district from which the Member was elected (as such addresses are described in section 3210(d)(7)(B) of title 39, United States Code).

(c) The Committee on House Oversight shall prescribe such rules and regulations and shall take such other action as the Committee considers necessary and proper for Members to conform to the provisions of this subsection and applicable rules and regulations.

(d) For purposes of this section—

(1) the term ''Member of the House of Representatives'' means a Representative in, or a Delegate or Resident Commissioner to, the Congress; and

(2) the term ''mass mailing'' has the meaning given such term by section 3210(a)(6)(E) of title 39, United States Code.

The CHAIRMAN. Pursuant to the House Resolution 473, the gentleman from Delaware [Mr. CASTLE] and a Member opposed will each control 10 minutes.

The Chair recognizes the gentleman from Delaware [Mr. CASTLE].

Mr. CASTLE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to start my congratulating the chairman for what I think has been an excellent job of trimming the legislative appropriations, and particularly in the area that I am going to talk about, which is the taxpayer funding of franked mail.

The fiscal year 1997 level of funding will be 40 percent lower than the 1996 level of funding. That is an impressive reduction. I do not even know if the chairman is aware of the reductions over the course of years, but starting in the year I was first elected to this body, before I came here in 1992, it was $59 million. In 1993 it went to $47,711,000. In 1994 it went to $40 million, in 1995 to $31 million, in 1996 it went up to $35,630,000, and this year is an appropriation of $20 million, so it really is an extraordinary job that the chairman has done and that the Committee on House Oversight has done in addressing this particular situation.

In recognition of that, I do not intend, as I have in the past, to introduce an amendment to try to further reduce that funding. I think there are a couple of areas for which there is still room for improvement. Too often the franking privilege is not treated as a privilege and is abused. For example, the volume of outgoing franked mail vastly outpaces the volume of incoming mail.

In 1995, the House sent out four times more mail than it received. If the House had responded only to letters it received, franked mail costs would have been only $12.4 million, saving $18.6 million or 60 percent from actual mail costs. Also, use of the frank increases cyclically during every election year. During the 102d Congress, the House spent $31 million in 1991 and $54 million in 1992, and during the 103d Congress, $24 million in 1993, and $42 million in 1994.

□ 1500

The 104th Congress again has addressed and narrowed this gap in total spending, but the irresistible temptation for individual Members facing tough reelection campaigns to use their franking perk extensively in election years remains.

I think Members have a legitimate need to respond to the increasing concerns of their constituents and the franking privilege does facilitate this. I think the public understands this and would support that use of taxpayer dollars.

Unsolicited mass mail from Members, however, I think fails into a different category. I believe that most Americans do not want to receive all the unsolicited mail they get from Congress, particularly if they are aware of the fact that they as taxpayers pay for it themselves. Some Members here, I am certain, would disagree and would argue that the newsletter contains valuable and useful information. I am not trying to prevent that from being used. But I think we should give the public the information it needs to make the determination.

This is what the amendment, the taxpayer's right to know amendment, will do.

It has two components, both of which are based on procedures which the Senate already follows. The first component would require all mass mailings to contain the disclaimer, ''This mailing was prepared, published, and mailed at taxpayer expense.'' This will encourage Members to be more judicious in the mass mailing they send to their constituents, and it is entirely consistent with this Congress's attempt to let sunshine disinfect the policy process.

The second part of the amendment would require the CAO's quarterly Statement of Disbursements to publish to total number of pieces of mass mail mailed during the period involved and the total cost of those mass mailings on a per-residential-address basis. Currently there is no way for the public to get information about the amount Members spend on unsolicited mass mailings versus constituent response mail. My amendment will allow this comparison to take place and I think the public has a right to know how their tax dollars are being spent.

The bottom line here is that this simple amendment will provide information to taxpayers about franked mass mail. It does not ban mass mailings or change the definition from current law. It simply requires public disclosure about the use of frank for mass mail.

I urge Members to pass this amendment.

Mr. THOMAS. Mr. Chairman, will the gentleman yield?

Mr. CASTLE. I yield to the gentleman from California.

Mr. THOMAS. Mr. Chairman, I thank the gentleman for yielding. I want to compliment the gentleman for his amendment.

His amendment follows a long line of positive amendments offered on both sides of the aisle, and as a matter of fact originally in a bipartisan effort by the gentleman from California [Mr. FAZIO] and the then gentleman, still gentleman, but member of the House from Minnesota, Mr. Frenzel, to begin to separate the cost of franked mail from the general fund category. We have not yet reached the Senate stage. The gentleman from Delaware indicated that it puts us in the same position as the Senate, and I know he is aware that the Senate actually separates the unsolicited mass mail from the other franked mail. We do not do that. But what the gentleman's amendment does is in essence do it in the report so that people can see not only the amount but the number of addresses to which the franked mail has been sent.

The gentleman alluded to the way in which this Congress continues to make changes. He of course is aware that at the beginning of the 104th Congress we cut franked mail by yet another one-third of the total amount and that we moved up the statutorily required 60-day ban to a voluntary 90-day ban.

Once again I want to compliment the gentleman. His addition of a required statement that it is at taxpayer expense is a good, positive notifier of where the money is coming from. It also perhaps might be somewhat of a conscience conditioner in terms of whether you mail it out or not, and by giving it a separate report, we do move closer to the Senate, separating the response mail from the unsolicited mass mailing. I compliment the gentleman on his amendment.

Mr. CASTLE. Mr. Chairman, reclaiming my time, I would like to thank the head of the Committee on House Oversight for what I think is an extraordinary job of dealing with this issue of franked mail. I think we really have in a bipartisan way responsible addressed this particular issue in this Congress and he is absolutely right on some of the numbers. We are just trying to refine this at the end.

Mr. PACKARD. Mr. Chairman, will the gentleman yield?

Mr. CASTLE. I yield to the gentleman from California.

Mr. PACKARD. I appreciate the gentleman yielding.

Mr. Chairman, I certainly appreciate this amendment and I am very much grateful that the gentleman has worked it out to the satisfaction of the authorizing committee chairman, Mr. THOMAS. With that agreement, I will be more than pleased to accept the amendment.

Mr. THORNTON. Mr. Chairman, will the gentleman yield?

Mr. CASTLE. I yield to the gentleman from Arkansas.

Mr. THORNTON. Mr. Chairman, the minority has no objection to the amendment. I congratulate the gentleman on working it out and bringing it to the floor.

Mr. CASTLE. I thank the gentleman.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Delaware [Mr. CASTLE].

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 1 printed in House Report 104–663.

AMENDMENT OFFERED BY MR. FAZIO OF CALIFORNIA

Mr. FAZIO of California. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. FAZIO of California: Page 3, after line 3, insert the following caption: ''(INCLUDING TRANSFER OF FUNDS)''.

Page 3, line 6, insert before the period at the end the following: ; and, in addition, $4,000,000, which shall be derived by transfer from the amount provided in this Act for ''Office of the Chief Administrative Officer'' under the heading ''Salaries, officers and employees'' and shall be available for obligation only by members for initiatives to promote the increased use of computers and other electronic technologies funded by this Act to carry out legislative activities.

The CHAIRMAN. Pursuant to House Resolution 473, the gentleman from California [Mr. FAZIO] and a Member opposed each will control 15 minutes.

Mr. PACKARD. Mr. Chairman, I seek the time in opposition.

The CHAIRMAN. The gentleman from California [Mr. PACKARD] will be recognized for 15 minutes in opposition.

The Chair recognizes the gentleman from California [Mr. FAZIO].

Mr. FAZIO of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the committee report says that $211 million is provided in this bill for computer and telecommunications investments and that there is quote, ''an inexorable movement toward CyberCongress.'' But, quite simply, we are not yet there. My amendment would be a referendum on whether the CAO and HIR are giving us what we pay for.

We have provided generous resources to the Chief Administrative Officer and to our computer agency over the past 2 years, $16.5 million in this bill for operating expenses, $8.2 million for telecommunications projects, a doubling over last year. That does not count the $6 million in reimbursements and the $11.7 million in chargebacks that our offices pay for services to the HIR agency.

With Chairman PACKARD, I approved a $20.5 million reprogramming at the end of the fiscal year 1995 for telecommunications and computer investments.

The CAO and HIR have requested $85 million over the next 5 years for computer and telecommunications investment. But, notwithstanding the New York Times, which wrote a glowing piece on the CAO, there is evidence that our computer support is falling short.

First of all, I, along with VERN EHLERS, have been part of an effort to identify a new House-wide messaging system, and we are making steady if slow progress on that project. But, in the meantime, our existing House e-mail has been so unreliable and so slow that many users have just abandoned it for daily use.

The Financial Management System was finally switched over to a new system on June 4, 5 months later than a House Oversight deadline and 8 months later than the CAO had originally promised the Members. Your June district office rent payments, which are supposed to be sent in in a timely way so that your landlords in your districts can receive them on the 1st day of each month, still have not left the Finance Office, and I think it is, if I am correct, the 10th of July. This is frankly unprecedented. It has never happened before.

The heralded Office 2000 project, whose purpose is to automate some of the day-to-day functions in our offices, will not have a single operational function available prior to next year.

At the time of our hearings, HIR was 20 percent understaffed, and the CAO admitted that the terminations, pay cuts, and reassignments of his reorganization played a role. Our offices have felt that lack of support every day.

In addition, the office accounting software provided to your offices by HIR in January contained numerous bugs. Because of the CAO's personnel procedures, it took HIR over 7 months to hire a full-time receptionist, and it took over 6 months to hire a security officer, at a time when the inspector general told us our computer systems were susceptible to outside entry.

In short, I have to wonder if we are getting what we pay for. The CAO and HIR have received considerable credit for so-called CyberCongress initiatives. But while the CAO talks a good game about CyberCongress and desk top video conferencing and the like, I believe the performance in tasks affecting Members' offices directly has not lived up to the billing.

We are all getting our ''free'' computers, in quotes, but HIR has nothing new to show us, which was the whole point of the mass computer buy in the first place. The lack of progress is not because of any lack of resources, and the CAO is not shy about asking for more. The CAO's request this year was for a 32-percent overall increase, primarily for computers and telecommunications. The Committee on Appropriations has provided generous resources, including, I might add, the $20.5 million I mentioned earlier, yet the CAO cannot seem to invest it. Another $8

million in unobligated balances is already being predicted for the current fiscal year, 1996.

My amendment would take $4 million out of the fiscal year 1997 funds in the bill, half of HIR's increase for telecommunications—which is, by the way, a doubling of last year's amount—and allow the use of such funds only if approved by Members, and only for technology already funded in this bill. My amendment is the ultimate in TQM, total quality management, and customer satisfaction that the CAO is so publicly embracing.

It is simple. If you think the CAO is spending money well and wisely, vote against my amendment. If you think your office can do a better job, then vote for my amendment.

I think we can send the CAO an important message: that we demand results for the money we hand out, and results that will help us serve our constituents now, as well as in the future.

Mr. Chairman, I would like to bring to the Members' attention another related matter, related in the sense that it is directly a policy which we will all be adhering to as part of an Internet policy agreement which has largely been forged within the Committee on House Oversight. The amendment I had intended to offer to the body as a whole concerns an Internet policy set by that committee on the 23d of May. The amendment would have prevented funds from being spent to implement this policy.

Some would say, leave this to the Oversight Committee. But I believe it is a policy of sufficient importance that it needs to be reevaluated as we consider funding for House operations, as we are in the amendment I have offered.

The policy was originally negotiated by the majority and minority staff in good faith, and there are good reasons for Web site policy and important elements to the policy. For example, it entitles minorities and subcommittees to a Web page site; it ensures that the maintenance of Web page sites is done behind an official fire wall for security purposes; and it ensures that House Web page sites are clearly identified. The committee's jurisdiction, I believe, is appropriate and I support it.

The problem came literally the morning of the hearing when we thought we had negotiated a policy successfully with the committee staff on both sides of the aisle. It was overruled. After a partisan debate, the Republicans ignored our objections and we were voted down, and so I went to the Committee on Appropriations seeking to bring the matter to the attention of the floor.

I withdrew the amendment in the full committee after Chairman LIVINGSTON agreed to help facilitate some sort of settlement on a new leadership Internet policy and, failing that, to support floor consideration of my amendment under this rule.

That resulted, of course, in further Oversight Committee staff discussions and a clarification of one of the two purposes of my amendment. That clarification was that the majority determined that it never intended to prevent a process called bookmarking, which allows people to go back on a regular basis to an item which they wish to reference on a regular basis at the Web site, part of the Internet.

However, the main issue remains unresolved. The policy as issued prevents access to a Democratic Web page site, or I should say minority web page site, unless a user first goes to the majority or, in this case, the Republican site first. Our constituents will still have to troll through screens of majority information to even discover that the minority, in this case, the Democrats, have a Web site.

In fact, my colleague and friend from California, Mr. THOMAS, made it clear at the hearing that if a committee chair did not want a minority Web page at all, he could just refuse to have a Web page for the majority as well.

To add insult to injury, the HIR has been instructed to make the technical changes that prevent users who may have stumbled across the site from bookmarking it, though, as I mentioned earlier, the majority claims that it never intended to prevent that bookmarking process from being available to anyone who browses the Internet.

We are talking about access to information, electronic information, but just information in a different form; information, like any others, that ought to flow freely in this process, certainly as part of an institution which is fundamental to our form of democracy. It is, pure and simple, a restriction on access to information.

The effect of this policy is that users of the Internet and the World Wide Web, our constituents, cannot readily get to the information they want. It is ironic to me that the GOP which has gotten so much credit for the CyberCongress would make the first policy about Web pages a restrictive one. This is an important matter and I believe it is one we should elevate to floor consideration no matter what happens on my amendment today. This gives us an opportunity to discuss what I think is a bad policy, even though my amendment will not go directly to the point I am concerned about as I discuss the other amendment I had hoped to offer today.

□ 1515

It flies in the face, this policy, of an open Congress. It perverts the whole idea behind the free flow of electronic information that is inherent in the idea behind the Internet and the World Wide Web.

Mr. Chairman, I would like to include a number of communications, particularly one from the American Library Association that agrees that access to congressional information should not be a partisan issue.

The information referred to follows:

AMERICAN LIBRARY ASSOCIATION,
Washington, DC, July 9, 1996.

Hon. VIC FAZIO,
Rayburn House Office Building,
Washington, DC.

DEAR MR. FAZIO: In response to your inquiry, the American Library Association agrees that access to Congressional information should not be a partisan issue. Recent press reports have described a controversy about access to Congressional committee pages on the World Wide Web. For the past 18 months, citizens have been able to access majority Web pages from a central menu. Under a recently adopted policy, the House of Representatives Committee Office Web Services menu lists Web pages of only the committee majority with access to the minority's page only through the majority's page.

ALA is concerned about this policy and the effect it would have on an informed electorate. This policy would concern us no matter which party was in the majority during any given Congress.

ALA reaffirms its long-standing conviction that open government is vital to a democracy. Of the many issues raised by this policy, I would like to highlight two:

There should be equal and ready access to data collected, compiled, produced, and published in any format by the government of the United States. In the interest of equity, the majority and minority of House committees should have equal access at the same level to the World Wide Web, a dynamic means of communicating with the American electorate; and

The free flow of information between Congress and the American people should be encouraged. Majority and minority viewpoints should be available without either one being dependent on the other.

The American Library Association is a nonprofit educational organization of 58,000 librarians, library trustees, and other friends of libraries dedicated to promoting the public interest in a free and open information society.

Sincerely,

CAROL C. HENDERSON,
Executive Director,
ALA Washington Office.

MUCKRAKER

(By Brock N. Meeks)

THOMAS BUILDS A ONE-WAY WEB

In the House of Representatives, all Web sites are created equal. But the Republicans couldn't stomach that thought, so they rewrote the rules.

All seemed fair in the wake of amicable but protracted negotiations to revise the rules governing Internet use for House committees and subcommittees. Each committee and subcommittee—on both the majority (Republican) and minority (Democrat) sides—was allocated a separate but equal amount of server space to create a Web page if they so desired. Under the negotiated plan, Democrats could independently set up their own sites, to post whatever committee information they deemed appropriate.

But that rule didn't sit right with Representative Bill Thomas (R-California), chairman of the House Oversight Committee, which writes the guidelines governing Internet use. He figured it gave the Dems too much freedom and would allow Web surfers simply to bypass any Republican-controlled Web sites. So he rewrote the regulations and rammed the changes through by exploiting his power as committee chairman.

Under the new rules, all subcommittees can have separate pages, but those pages must be ''linked to, and accessible only from the committee's page.'' While a Republican

subcommittee chair might be able to brook that overlord mentality, the ranking minority members who would control the committee's opposing Web pages might be a little ticked off.

If you've begun to smell a rat, you're not alone. ''This means that any time someone wants to see an issue from the Democrat's side of things, they first have to wade through the Republican rhetoric,'' said a minority committee staffer.

The rules go further, according to another minority staffer. ''The committee chairman must approve all content on the Web sites. I have to ask whatever happened to the First Amendment on Capitol Hill.''

The rules on this issue are vague, and I could only get my hands on a draft copy. Staffers at the meeting at which Thomas ordered the changes swear he made it clear that all information needed to be ''approved'' by the committee chair before posting.

That account is disputed by Bill Pierce, Thomas's press secretary. ''Whatever language you had regarding [content] approval, it's not the case,'' he said. The rule change is ''about process and not about content at all.'' Pierce noted, for example, that the minority doesn't have separate stationary. And this rule change simply makes net resource allocation ''consistent'' with non-Net resources.

But for Representative Vic Fazio (D-California), ranking minority member of the House Rules Committee, the issue isn't that cut and dried. ''What we're talking about is an attempt to control the minority's communication with the American people.'' Although the content approval issue is murky, Fazio put a hard edge on how a committee chair could wield the ultimate censorship hammer: ''If a chairman doesn't like the contents of the minority's Web page, he could simply decide not to have a Web page at all.''

And according to the rules, if the committee chair decides not to have a page, it means the minority's net voice is rendered mute. No argument, no debate. It's de facto censorship and to hell with free speech, even on Capitol Hill.

Fazio also points out that a committee's majority doesn't ''have access to or control over the content of press releases or correspondence produced by the minority.'' Since the Net is simply another way to communicate, and one that ''is taking on greater importance,'' it should be treated as such, Fazio said, ''There is absolutely no reason that the majority should control information freely disseminated over the Internet.''

Thomas's reasoning is beyond me. The Republicans stand a good chance of losing control of the House in the coming elections. If they do, and power returns to the Democrats, then Thomas has just ——— his own party. The Democrats will be in power and their committee chair will hold the power to approve content on the Republican committee Web pages.

At first blush, such a power trip seems bent from all angles. All one would have to do is bookmark the minority page URL and thus bypass the majority homepage. But according to a House Rules Committee majority staffer, each committee's homepage would be generated with a CGI script to prevent bookmarking. Seems they've thought of everything. I know the Republican ''revolution'' has hit on tough times, but this is nothing short of a desperate act, bordering on extreme.

Congress is infamous for its ''sausage-making'' approach to drafting legislation. Sadly, it appears they are no less enlightened when it comes to drafting rules for the Internet. Bratwurst.gov, anyone?

Meeks out . . .

BROCK M. MARKS.

[From the Office of the Democratic Leader, June 4, 1996.]

REPUBLICAN POLICY RESTRICTS INTERNET ACCESS FOR OPPOSITION

(By Laura Meckler)

WASHINGTON.—If you want to find certain Democratic views on the World Wide Web, you'll have to go through Republican territory.

Until now, Web pages produced by the Republican and the Democratic staffs of House committees were all accessible from the main menu on the House's Web page.

No more. Under a new policy that has Democrats crying foul, users will find Democratic committee pages listed only on the committee's main page, which like the committees themselves are controlled by Republicans.

''What we're talking about is an attempt to control the minority's communications with the American people,'' said Rep. Vic Fazio, D–Calif., the top Democrat on the Oversight Committee.

''There is absolutely no reason that the majority should control information freely disseminated over the Internet.''

Fazio and others complain that to access Democratic views, Web surfers may have to scroll through Republican rhetoric and a large photograph of the Republican chairman.

In addition, if Republicans on a particular committee decide not to have a Web site at all, Democrats can't have one either.

''If a chairman doesn't like the contents of the minority's Web page, he could simply decide not to have a Web page at all,'' Fazio said.

A few committees currently have Democratic pages but no Republican pages. If a committee chairman wants to, he could kill the Democratic page until there's a GOP counterpart, said Bill Pierce, spokesman for the Oversight Committee.

The old policy gave each side disk space to produce Web pages but did not regulate how they are accessed.

Republicans explain that the party in power controls all committee activities and should control this as well. They note that all members use the same committee stationery, which highlight Republicans.

''We are not going to enter a whole new relationship with the Internet, which is simply an additional way of communicating,'' said Oversight Chairman Bill Thomas, R–Calif., according to minutes of a May 23 meeting where this was discussed. ''Committee activities are under the control of the chairman of the committee.''

Democrats say the Internet is more like a press release, which they can distribute on their own.

Their deepest concern is that this is a first step toward Republican control of content.

''It is even possible that committee chairmen may interpret the new policy to mean that they have direct control or veto power over the information that the minority chooses to post on its Web page,'' Martha Coven of the House Democratic Policy Committee wrote in a May 28 memo.

There's no chance of that, said Pierce, the Oversight Committee spokesman. ''It has nothing to do with content.''

In practice, there are many more Republican committee pages than Democratic ones. Democrats on the Banking and Financial Services Committee have a page while the Republican do not, but a committee spokesman said the GOP page should be up and running this week.

In addition, Thomas noted that the new policy guarantees Democrats they will have an opportunity to have a Web page.

''What we have in front of us is a progressive policy that opens up opportunities for the minority,'' Thomas said, according to the minutes. ''It doesn't close them down.''

The House of Representatives Web page is located at http://www.house.gov/

[From Roll Call, May 27, 1996]

PRE-ELECTION MESSAGES BANNED BY HOUSE

(By Juliet Eilperin and John E. Morrin)

In its ongoing attempt to adjust to a brave new technological world, Congressional panels last week adopted several policy changes—including a ban on pre-election mass communications—and also experimented with new interactive formats.

But the decisions were not free of controversy or technical foul-ups.

On Thursday, for example,the House Oversight Committee voted unanimously to ban unsolicited mass communications 90 days before a primary of general election. In doing so, it applied previously established House franking rules to several mediums beyond newsletters, including radio and newspaper ads; announcing town meetings; the purchase of broadcast time; production and communication costs for video and audio services; e-mail messages; and faxes.

''With communication technology developing at an increasingly rapid pace, it is critical that the House develop rules consistent with 21st century technology.'' House Oversight chairman Bill Thomas (R-Calif.) announced in a statement after the hearing.

The role of technology in town meetings first came under intense scrutiny last month, when Rep. Steve Stockman (R-Texas) purchased radio time to hold a town meeting. House Oversight ranking member Vic Fazio (D-Calif.) sharply criticized the use of official House resources for an event he likened to a political ad. Thomas, by contrast, argued that no rules prohibited members from holding town meetings on the air and such techniques could make lawmakers more accessible to voters.

Other Members have also come under fire for buying radio time to announce town meeting, during which they have the opportunity to toot their own legislative record. While all the scripts were approved by the bipartisan Franking Commission, critics said they give incumbents an improper advantage (Roll Call, April 29).

National Taxpayers Union executive vice president David Keating, who had asked House Oversight to reimpose its ban on radio ads, said Thursday's vote constituted ''a good first step.'' He argued, however, that the funds for radio ads should be deducted from Members' mailing allowances and the House ''should strictly limit the content so it sounds more like a public announcement instead of a campaign ad.''

''Members can still spend literally hundreds of thousands of dollars in radio spots,'' he said. ''I hope they don't take advantage of it.''

While the banking reform and the overall adoption of a new committee handbook enjoyed bipartisan support, Democratic Members were less happy with the GOP's new committee Internet policy. Under the policy, which was adopted by voice vote, a minority committee's Web page can only be accessed through the majority's Web page.

Under this scenario, one Democratic leadership aide argued, a voter might have to scroll down through endless pictures of Commerce Committee Chairman Thomas Bliley (R-Va) and text describing the GOP's recent accomplishments before linking up to the minority's site.

''We view it as a suppression of free speech,'' the staffer said. ''It's suppressing the minority's right to offer another perspective.''

Currently, the Democrats on the Banking, Budget, and Science Committees all have separate Web sites. Under the new policy, the minority is guaranteed a site only if the chairman of the panel chooses to establish one.

But the Republicans argue that the Internet, like other forms of communications, remains under the auspices of the chairman. In the meeting, Thomas compared the Web page to the minority's committee stationery, which still includes the chairman's name at the top.

''They have to right to communicate and state their views, but under the banner of the full committee,'' a GOP aides said of the minority.

While House Oversight members grappled over how to communicate with constituents on Thursday, the House Rules subcommittee on rules and organization of the House spent the next morning analyzing how technology would affect communication between Members.

In the hearing—which featured video links with both a panel member and a witness—Members debated whether technical advances would undermine the thoughtful nature of lawmaking.

House Oversight member, Vern Ehlers (R-Mich) called for several reforms to ease this high-tech transition: a common format and language for Congressional documents; a set standard for the creation, maintenance, and purging of online documents; and legislation allowing Congressional Research Service reports to be placed online.

He also predicted the technological revolution would reduce the use of paper, allow citizens to print GPO documents on demand, and bring video conferencing capability to every Congressional desk.

These advances, subcommittee Chairman David Dreier (R-Calif) insisted, should not lead to short cuts like proxy voting.

''If there is a concern that Members are unduly influenced by lobbyists waiting in the halls of the Capitol,'' Dreier said, ''how concerned should we be when they have to vote on a controversial bill from their district offices with protesters demonstrating outside?''

Ranking member Tony Beilenson (D-Calif) said he was worried that the ''essence of communication'' between Members would be negatively affected by video conferencing.

But committee member Scott McInnis (R-Colo), speaking via satellite from his district, responded that the technology will enable him to give greater access to the constituents of his rural district and allow them greater participation in the political process.

Beilenson cautioned against embracing technology too quickly.

''We don't need more information, we need understanding and wisdom,'' he said. ''Our job is simple—either push the yes or no button. We shouldn't act immediately.''

Dreier attempted to strike a middle ground between his colleagues, explaining, ''We need to get information more efficiently without upsetting the deliberative nature of Congress.''

While the hearing heralded ''the Third Wave information age,'' it also underscored the pitfalls of the new era. Several technical difficulties marred the event, most notably the absence of Speaker Newt Gingrich (R-Ga) due to a video conferencing system malfunction. The special Web site established for the event also failed to work.

NEWS RELEASE FROM CONGRESSMAN VIC FAZIO, MAY 28, 1996

The following is a statement from Rep. Vic Fazio about the House Oversight Committee's action on committee web pages:

''What we're talking about is an attempt to control the minority's communication with the American people. If a chairman doesn't like the contents of the minority's Web page, he could simply decides not to have a Web page at all.

''The committee's majority doesn't have access to or control over the content of press releases and correspondence produced by the minority. The Internet is another way to communicate—an electronic form that is taking on greater importance in American life and society—and should be treated as such. There is absolutely no reason that the majority should control information freely disseminated over the Internet.''

Mr. FAZIO of California. Mr. Chairman, I reserve the balance of my time.

Mr. PACKARD. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to thank the chairman, and I strongly oppose this amendment. This amendment would transfer $4 million from the Chief Administrative Officer of the House to the Members' representational allowance. The Chief Administrative Officer asked this year, and felt justified that he needed, a $17 million increase simply to be able to accomplish the things that the House has asked him to do and his office to do. This would literally cut them $2.5 million below current levels. We did not give them the $17 million he asked for. We gave them $1.6 million, and that was barely enough to cover the mandatories; in other words, the COLA's for staff and the staff benefit packages, which are mandated by the Government. We had to fund that, but we gave him no more than that.

We have asked them actually to cut back on their employment levels by 13 positions in this year's bill. To take $4 million out of their existing levels in this bill would require them to fire about 90 additional staff members of the House. We think that would be unconscionable.

The bill provides $8 million for the CAO's budget for telecommunications. The telecommunications, incidentally, is for computers and telecommunication systems that benefit each of the Members' offices. Over $1.5 million is for local and district office telephones that connect directly with our Washington offices, again directly benefiting our communications within each of our offices.

But the biggest problem of this amendment is not what it does to the CAO's office but it is what it does in reversing a policy that the maker of the amendment [Mr. FAZIO] was strongly supportive of last year and really gave us a great deal of help in getting it passed in our bill last year, and that was the reforms that we wanted to bring about in Congress. Those reforms are absolutely crucial to the effective operation of each Member's office. That was in all of the allocations in budget categories that are allowed for each Member's office. We consolidated those into one account with the help of the gentleman from California, and we gave the Members of Congress individually some flexibility, not some but almost total flexibility, in the use of those accounts. That was a good move. I think moving toward a consolidated bill that we had last year was a very good move, and I personally want to thank the gentleman from California for helping us to do that.

In my judgment, this is a reversal of that process. This takes us back to where we were before, and I think that would not be a move in the right direction; a step backward, I think.

Mr. FAZIO of California. Mr. Chairman, will the gentleman yield?

Mr. PACKARD. I yield to the gentleman from California.

Mr. FAZIO of California. Mr. Chairman, I concur. I think this is a 1-year effort to surround this funding for purposes of Member investment in computerization, telecommunications, simply because I do not think the CAO has spent his money wisely.

But I agree with the gentleman and with the chairman of the Committee on House Oversight that, as a general rule, we ought to give complete license to the Members.

Mr. PACKARD. Reclaiming my time, I think that this is just the first step, though, in reversing that process and the next step would be some Member of the Congress would want to put controls on E-mail, travel and everything else that Members now have some flexibility in.

So I would hope and I would urge the Members of the House to resist this amendment that would be, in my judgment, regressive from the policies that we have established in the past.

Mr. Chairman, I reserve the balance of my time.

Mr. FAZIO of California. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. BROWN].

(Mr. BROWN of California asked and was given permission to revise and extend his remarks.)

Mr. BROWN of California. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I rise in full support of the amendment which he has put before us with regard to the transfer of the $4 million from the CAO to the Members' allowance.

But I would like to use a minute or so to discuss the other item which the gentleman from California referred to, and that is the policy with regard to minority access to the Internet through the majority. This was the subject of a rather extensive article in the Washington Post on July 1 which is headlined ''House Web server leaving minority off the menu.'' While that may be a slight exaggeration, I think it is true that what this does is put an additional roadblock in the way of our Representatives throughout the United States having access to the material emanating from the minority in the Congress.

Now, in an ideal world, of course, the majority would contend, and it might be true, that this was not a roadblock and that there was no effort to censor or in any other way restrict communication. This is not an ideal world, and I will tell Members that the very fact that we have to use access through the majority is going to be a block which many constituents will find insurmountable because it will take an additional 1 or 2 minutes on their computer if they have a slow computer to scroll through and find out where the minority actually is within this vast network.

It is for this reason that it is a roadblock when we should be trying to make it easier, not because I suspect that the majority would want to do anything to restrict our minority page that I think this is a poor policy. We are doing everything possible to make it easier for people to communicate, constituents to communicate with their Representatives. This goes in the opposite direction. It is poor policy, and I urge that something be done to correct this at the earliest possible date.

Mr. PACKARD. Mr. Chairman, I yield 6 minutes to the gentleman from California [Mr. THOMAS], the chairman of the Committee on House Oversight.

(Mr. THOMAS asked and was given permission to revise and extend his remarks.)

Mr. THOMAS. Mr. Chairman, first of all, let me rise to comment on the specific amendment which we are supposed to be dealing with during this time, and I do not know about the desire for Members to have a referendum on the CAO. I am concerned about the language of the amendment which the gentleman from California, who as a member of the Appropriations Committee and the authorizing committee has the ability to move freely between the two areas, and attempt to write policy from an authorizing committee position in the appropriation. We are supposed to have that be against the rules. It is legislating on an appropriations bill, but the Committee on Rules did make it in order, notwithstanding that.

My problem is that it builds a fence around the $4 million. I would be less opposed to the amendment if he gave the $4 million to the House Committee on Oversight so that we could place it where the Members could get the best use out of it. This amendment places it where the gentleman from California thinks we can get the best use out of it.

Where we are is the gentleman from California, notwithstanding the fact that he is in the minority, still wants to basically run the place and tell people what to do. I do not deny that that is a desirable position, it is just that I wanted 16 years to be in the same one and I would now like to exercise it. But the gentleman from California apparently does not want me to because he wants to tell me where to put the money.

At the beginning of this Congress, we took the separate categories of the Members' representational account and put them into one so that Members would have freedom to choose between staff or computers or travel or a district office. The gentleman now wants to go back to the policies of old, that he has already repudiated by his vote in committee, to free up the ability to determine where the member spends his money.

So on that particular amendment, I would ask for your opposition.

Now the Internet. The gentleman from California said something that I agree with, and that is that the Internet is information in a different form. After that, I had a fairly fundamental disagreement with what he has had to say. I really believe the people who took the floor earlier and said this was a gag rule—the gentleman from Colorado said it was un-American, that this is censorship I think got a little carried away with their rhetoric.

The reason I agree with the gentleman from California [Mr. FAZIO] that this is information in a different form is that we really ought to look at that information in a different form so that we can understand what we are talking about. Committees give reports. They hold hearings. They write a report. Very often the minority dissents from the majority report, and so you have the majority report and the minority report. Is the minority report presented in a completely separate document available to those constituents who want to find out about the hearing? No. It is included in a package that says, ''Committee on House Oversight, House of Representatives, together with minority views.'' It is the majority and the minority combined.

The gentleman, and I think he waxed eloquent in the Committee on Rules, said that it was possible that visitors would probably thumb through 120 electronic pages to be able to find the minority location.

Every committee in the House except the Committee on Standards of Official Conduct and the Committee on Intelligence has a Web site. We might understand why those two prefer not to have a Web site: The Ethics one probably would be too full and the Intelligence one would be blank. But for the other committees, here is the Committee on Resources. First page, picture of the chairman, Democrats, minority of the committee. We do not have to thumb through pages; it's right there. It is on the front, just like the reports. Committee on Economic and Educational Opportunities, right up front. ''Welcome to the House Committee on Banking and Financial Services. Greetings from Chairman Jim Leach;'' the Democrats' view, right up front. House Committee on the Budget, they even put a donkey so that those folks who have trouble with the cursive can locate the minority home page.

The gentleman from California [Mr. BROWN] was complaining about the Committee on Science. We do have to go to the second page on the Committee on Science because the chairman decided ''Hot News'' would take up a third of the page. Current issues that affect both the majority and the minority would take up a portion of the first page; but right there, the Democrats.

Let me talk about information in another form in another way. If we go to the House of Representatives telephone directory, we will find staff listed alphabetically. We will find staff listed by Members' offices, and we will find staff listed and Members listed by committee. On that page it says Committee on House Oversight, for example, just thumbing to that page, the majority, the minority, the majority staff, the minority staff, located by committee.

What the gentleman from California and the others are really asking for is something that is unprecedented in the history of the House, a wedge, if you will, to open up the opportunity to create a distinct and separate structure for the minority.

Now, if our colleagues had been in the majority for 40 years and now have to suffer under the yoke of being in the minority, our colleagues would not accept the fact that their colleagues share the page with the majority in the phone book or share the pages under the cover of committee reports or that they are second on the Internet page for the particular committee. Our colleagues would want their own distinct structure.

Well, it has never been that way. They are trying to use this argument of censorship on the Internet as a wedge argument to begin to unravel the 40 years of history that they established as the majority.

Now, the new majority is somewhat more conservative than the old and we probably would tend to hang on to those areas that worked well. One of the areas that worked well was to use the committee as the structure, underneath that, the majority and the minority. All we are doing is continuing that structure on the Internet as well.

□ 1530

Mr. PACKARD. Mr. Chairman, I have no further requests for time, and I reserve the balance of my time.

Mr. FAZIO of California. Mr. Chairman, I yield 2½ minutes to the gentlewoman from California [Ms. LOFGREN].

Ms. LOFGREN. Mr. Chairman, in listening to the prior speaker, it occurred to me that perhaps he has not searched the Web extensively because I heard the analogy to committee reports. Now I am new to the Congress, but I read some committee reports and they tend to go through legislation, and there are pros and cons on each side, and they are bound together in one volume. I think that is just dandy. That is the way it ought to be. But if you take a look at Web sites, that is not what you find.

For example, in the Committee on Resources Web site there is a picture of the chairman, along with articles like, ''The Republican Investment in the Environment,'' which is bookmarked under ''Humor'' on the Web, and there is a small link to Democrats buried under committee information. The Joint Economic Committee opens with, ''Welcome to the home page of Vice Chairman SAXTON and House Republican members of the JEC.'' It then links to each Republican JEC House member and the JEC Republicans in the Senate, and provides the text of partisan Republican publications on the ''Contract With America'' and the ''Debt Limit Charade.''

These are not like committee reports, and requiring the minority to be just a subset of the majority on Web sites is kind of like saying you can send out a press release, minority, but only if you staple it to the majority's press release, if they send one out. That is what I object to. I think it is what most Members who are speaking here object to.

The fact is that under the House rules that we adopted, there is 10 megabytes of space for the majority and there is 10 megabytes of space for the minority. That space should be used, hopefully prudently, honestly and usefully for the American public, by each side to speak the truth about what they know of issues of importance to America.

A few hours ago I talked to a gentleman in high-tech who had heard the debate. He is an immigrant. He built his company from nothing and he said this is fascism. This immigrant said he has heard what is going on. He said that he comes from a place where he saw fascism arrive. ''You leaders in America must stop fascism when it first surfaces, when you first see those signs,'' he said, ''and that is now. Please do not allow this to happen.''

Mr. Chairman, I thank the gentleman from California for allowing me to speak.

Mr. PACKARD. Mr. Chairman, I yield myself 2 minutes for a response.

Mr. Chairman, I really seriously object to the analogy that was just used, fascism.

Mr. FAZIO of California. Mr. Chairman, will the gentleman yield?

Mr. PACKARD. I yield to the gentleman from California.

Mr. FAZIO of California. Mr. Chairman, I am sure that was not really the intent of the gentlewoman. The concern, obviously, is great, but I would not want to typify it as anything more than a disagreement on policy.

Mr. PACKARD. Mr. Chairman, reclaiming my time, I would appreciate the gentlewoman's response.

Ms. LOFGREN. Mr. Chairman, will the gentleman yield?

Mr. PACKARD. I yield to the gentlewoman from California.

Ms. LOFGREN. Mr. Chairman, I was quoting an individual who spoke to me, not a Member of this body. And perhaps as a new Member I am not as aware of the rules as I might have been. If it offended or it was inappropriate, I would certainly withdraw the remark.

Mr. PACKARD. Mr. Chairman, reclaiming my time, I think the association, though, to this body or to any Members of this body or either side of this body is an inappropriate association.

Mr. Chairman, I simply want to express one point, and that is that this amendment will cost money. The House information resources can negotiate a large volume of purchases and thus get volume buying and volume cost discounts for the entire cyber Congress initiative. Some 440 individual contracts are negotiated by each Member, and that would lead to a lot of additional expense. It would lead to a lack of standardization of our equipment in each of our offices, and, overall, I think it would be chaotic.

In conclusion, Mr. Chairman, from today's issue of The New York Times I read where it says, ''For years, each lawmaker has decided which computer system, if any, they wished to buy and to install in their office. This has led to a congressional Tower of Babel that receives a total of 100,000 E-mail messages a week. Some messages arrive three days late on one of nine overlap systems.''

So I really would oppose this amendment and feel, again, it would be regressive.

Mr. Chairman, first of all, may I inquire how much time I have remaining.

Mr. CHAIRMAN. The gentleman from California [Mr. PACKARD] has 3 minutes remaining, and the gentleman from California [Mr. FAZIO] has 30 seconds remaining.

Mr. PACKARD. Mr. Chairman, I yield 1½ minutes to the gentleman from California [Mr. THOMAS].

Mr. THOMAS. Mr. Chairman, I thank the gentleman for yielding me this time.

I find it rather hypocritical to respond to the comment about fascism that ''I have done my homework and I know that it was a quote and, therefore, in quoting others on the floor that it is not a breach of the rules; however, since I am a new Member I may not be aware of the rules.''

It seems to me we cannot have it both ways. The gentlewoman knew exactly what she was trying to do, and what she did was interject a level of hostility which is totally inappropriate on this particular subject. What she does not know, perhaps, is that there was never any intention not to provide the ordinary software procedures for moving to sites that one is returning to by those people who browse frequently.

The problem arose when the ranking Member, using that unique authorizing and appropriations avenue that he has, moved to the appropriations route to try to meet his needs instead of sitting down with the chairman of the committee and working it out.

As we move forward with this new technology, just as we have in every area, just as the letterhead says, chairman and minority, we will share. And we share far more than the other side ever shared when they were the majority. We are doing more in reaching out to the minority than they did, and we will continue that trend, despite the references.

Mr. PACKARD. Mr. Chairman, I reserve the balance of my time.

Mr. FAZIO of California. Mr. Chairman, I yield myself the balance of my time to simply say this amendment, of course, does not go to the Internet policy. It does, however, I think send a message to the CAO that we need to manage the cyber-Congress in a much more effective way.

Just simply in reference to Internet policy, my only reason for bringing it this route is that, of course, our committee makes these decisions in and of itself. I do not mean to deny that that in most cases is appropriate. But this is a new policy. It ought to be a solidly compromised and accepted policy by all, on all sides of the debate, minority or majority, and I do think this is a worthy discussion for us to have. I would hope Members would err on the side of openness and equal access to the Internet.

Mr. PACKARD. Mr. Chairman, I yield myself the balance of my time, and, in closing, I would like to emphasize that I do not believe we have ever had a time when there has been more willingness to cooperate than this majority has extended to this minority. We, I think, have bent over backwards to make equal access, equal opportunity and equal funding for virtually everything we do, and I think that the gentleman from California would admit to that.

This amendment takes money away from our movement to the cyber-Congress, to the electronic age for this body and for each of our offices, and all of which really benefits our communications and our operations. These investments will make us more efficient and more effective in our offices, both in our congressional districts and here in Washington. Instead, this amendment would free up additional money in our allowances for additional mailings and travel and a variety of other things that I think the public would really object to. I think that would be move in the wrong direction.

Mr. Chairman, I urge my colleagues to oppose this amendment, and I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment of the gentleman from California [Mr. FAZIO].

The amendment was rejected.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 473, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order: Amendment No. 6, as modified, offered by the gentleman

from California [Mr. CAMPBELL], and amendment No. 7 offered by the gentleman from Minnesota [Mr. GUTKNECHT].

Pursuant to clause 2 of rule XXIII, the Chair will reduce to a minimum of 5 minutes the time for an electronic vote, if ordered, on the pending question following this vote.

AMENDMENT, AS MODIFIED, OFFERED BY MR. CAMPBELL

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment, as modified, offered by the gentleman from California [Mr. CAMPBELL], on which further proceedings were postponed and on which the noes prevailed by a voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 239, noes 181, not voting 14, as follows:

[Roll No. 295]

AYES—239

Allard
Andrews
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Berman
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brewster
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dickey
Dooley
Doolittle
Dornan
Dreier
Duncan
Ehlers
Ehrlich
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Graham
Greene (UT)
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Lucas
Manzullo
Martini
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Moorhead
Moran
Morella
Myers
Myrick
Nethercutt
Ney
Norwood
Nussle
Oxley
Packard
Paxon
Peterson (MN)
Petri
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
Tauzin
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Traficant
Upton
Vucanovich
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Zeliff
Zimmer

NOES—181

Abercrombie
Ackerman
Baesler
Baldacci
Barrett (WI)
Becerra
Beilenson
Bentsen
Bevill
Bishop
Blumenauer
Bonior
Borski
Boucher
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
Cramer
Cummings
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Frank (MA)
Franks (NJ)
Frost
Furse
Gejdenson
Gonzalez
Gordon
Green (TX)
Hall (OH)
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lazio
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Montgomery
Murtha
Nadler
Neal
Neumann
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pickett
Pomeroy
Poshard
Rahall
Reed
Richardson
Rivers
Rose
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Tanner
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Waxman
Williams
Wilson
Wise
Woolsey
Wynn
Yates

NOT VOTING—14

Clay
Dunn
Ford
Gephardt
Gibbons
Gutierrez
Hayes
Lantos
Lincoln
Longley
McDade
Rangel
Watt (NC)
Young (FL)

☐ 1601

The Clerk announced the following pairs:

On this vote:

Ms. Dunn of Washington for, with Mr. Clay against.

Mr. Longley for, with Mr. Rangel against.

Ms. FURSE, Mr. TAYLOR of Mississippi, and Mr. MONTGOMERY changed their vote from ''aye'' to ''no.''

Mr. CHABOT and Mr. BERMAN changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. GUTKNECHT

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Minnesota [Mr. GUTKNECHT], on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 172, noes 248, not voting 13, as follows:

[Roll No. 296]

AYES—172

Allard
Baker (CA)
Baldacci
Barcia
Barr
Barrett (WI)
Bartlett
Barton
Bentsen
Blute
Browder
Brownback
Bryant (TN)
Bunning
Burton
Camp
Campbell
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
Deal
Dickey
Doggett
Doyle
Dreier
Duncan
Ensign
Ewing
Fawell
Flanagan
Foley
Fox
Franks (CT)
Franks (NJ)
Funderburk
Furse
Ganske
Geren
Gillmor
Goodlatte
Gordon
Goss
Graham
Green (TX)
Gutknecht
Hall (TX)
Hamilton
Hancock
Harman
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hoekstra
Hoke
Holden
Hostettler
Hutchinson
Inglis
Istook
Jacobs
Johnson, Sam
Jones
Kasich
Kelly
Kim
Kleczka
Klug
LaHood
Largent
Latham
Laughlin
Leach
Lewis (KY)
Linder
LoBiondo
Lofgren
Lucas
Luther
Maloney
Manzullo
Martini
Mascara
McHale
McHugh
McInnis
McIntosh
Meehan
Metcalf
Meyers
Mica
Minge
Montgomery
Moorhead
Myrick
Neumann
Norwood
Nussle
Orton
Parker
Pastor
Paxon
Peterson (MN)
Petri
Pombo
Portman
Poshard
Quinn
Radanovich
Ramstad
Roberts
Roemer
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Scarborough
Schaefer
Schumer
Seastrand
Sensenbrenner
Shadegg
Shays
Smith (MI)
Smith (NJ)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Stupak
Talent
Tanner
Tate
Taylor (MS)
Taylor (NC)
Thornberry

Tiahrt
Torricelli
Upton
Ward
Watts (OK)
Weldon (FL)
Weller
White
Whitfield
Zimmer

NOES—248

Abercrombie
Ackerman
Andrews
Archer
Armey
Bachus
Baesler
Baker (LA)
Ballenger
Barrett (NE)
Bass
Bateman
Becerra
Beilenson
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blumenauer
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Bunn
Burr
Buyer
Callahan
Calvert
Canady
Cardin
Castle
Chapman
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
Cummings
de la Garza
DeFazio
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Dooley
Doolittle
Dornan
Durbin
Edwards
Ehlers
Ehrlich
Engel
English
Eshoo
Evans
Everett
Farr
Fattah
Fazio
Fields (LA)
Fields (TX)
Filner
Flake
Foglietta
Forbes
Fowler
Frank (MA)
Frelinghuysen
Frisa
Frost
Gallegly
Gejdenson
Gekas
Gilchrest
Gilman
Gonzalez
Goodling
Greene (UT)
Greenwood
Gunderson
Hall (OH)
Hansen
Hastert
Hastings (FL)
Hefner
Hilliard
Hinchey
Hobson
Horn
Houghton
Hoyer
Hunter
Hyde
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
King
Kingston
Klink
Knollenberg
Kolbe
LaFalce
LaTourette
Lazio
Levin
Lewis (CA)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lowey
Manton
Markey
Martinez
Matsui
McCarthy
McCollum
McCrery
McDermott
McKeon
McKinney
McNulty
Meek
Menendez
Millender-McDonald
Miller (CA)
Miller (FL)
Mink
Moakley
Molinari
Mollohan
Moran
Morella
Murtha
Myers
Nadler
Neal
Nethercutt
Ney
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pickett
Pomeroy
Porter
Pryce
Quillen
Rahall
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Rogers
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Saxton
Schiff
Schroeder
Scott
Serrano
Shaw
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (TX)
Spratt
Stark
Stokes
Studds
Tauzin
Tejeda
Thomas
Thompson
Thornton
Thurman
Torkildsen
Torres
Towns
Traficant
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Wamp
Waters
Waxman
Weldon (PA)
Wicker
Williams
Wilson
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Zeliff

NOT VOTING—13

Clay
Dunn
Ford
Gephardt
Gibbons
Gutierrez
Hayes
Lantos
Lincoln
Longley
McDade
Watt (NC)
Young (FL)

□ 1610

Mrs. CUBIN, and Messrs. PORTMAN, MCINTOSH, and BROWDER changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. LAHOOD) having assumed the chair, Mr. LINDER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3754) making appropriations for the legislative branch for the fiscal year ending September 30, 1997, and for other purposes, pursuant to House Resolution 473, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gross.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. FAZIO OF CALIFORNIA

Mr. FAZIO of California. Mr. Chairman, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. FAZIO of California. Mr. Speaker, at the moment, I am.

□ 1615

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. FAZIO of California moves to recommit the bill H.R. 3754 to the Committee on Appropriations with instructions to report the same back to the House forthwith with the following amendments:

On page 4, line 7, strike ''$22,577,000'' and insert ''$22,427,000'' and

On page 4, line 8, strike ''$16,577,000'' and insert ''$16,427,000''.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from California [Mr. FAZIO] is recognized for 5 minutes in support of his motion to recommit.

Mr. FAZIO of California. Mr. Speaker, the motion I am offering instructs the bill being reduced by $150,000 through the account of HIR. This is the amount that is necessary for the Republican majority to implement their new Internet policy which we believe denies Democrats our own independently accessed Web site. This amount of money is a relatively small amount.

Mr. Speaker, I yield to the gentlewoman from California [Ms. LOFGREN] who could explain how this could easily be attained by more efficient policy procurement.

Ms. LOFGREN. Mr. Speaker, I support the motion to recommit because its intent is to avoid a policy that I believe will have the effect of stifling voices of dissent, which will not serve this body or our country well.

As the House is aware, every office will soon be getting a computer as part of our new CyberCongress initiative. I was interested on the details on it and did get the cost for the computer, which is $5,367.12. I took the specs for that computer and went to a normal vendor outside of the favorite inside vendor and asked them for an estimate. They came in with a cost that is $900 per computer, less for a better machine, 120 megahertz as compared to the 100 megahertz that the House has purchased. If that were expanded to all 435 offices, that would be nearly $400,000 that this House would save.

Mr. Speaker, I think we ought to do that whether or not the motion to recommit is approved, but clearly if this motion is approved, we can save at least $150,000 just by making a better purchase on the new computers for each House office.

Mr. FAZIO of California. Reclaiming my time, Mr. Speaker, my motion concerns the Internet policy set by the Committee on House Oversight on May 23. It will prevent funds from being spent to implement this policy. But I believe it is a policy of sufficient importance that it needs to be reevaluated as we consider funding for House operations. This is the only opportunity allowed by the Committee on Rules.

A restricted Internet policy is certainly one we are going to all have to explain to our constituents, so we should all have a chance here today to make a judgment on this policy, not simply majority of seven within the Committee on House Oversight, all Republicans.

The policy, as issued, prevents access to Democratic pages, Web pages, unless a user goes to the Republican page first. As was said in the earlier debate, it is like requiring, when we put out a press release, that we staple on top of it a press release from the other point of view. Our constituents may have to scroll through literally hundreds of screens of Republican information to even discover that the Democrats have a Web site at all.

In fact, when we made this policy, the chairman made it clear at the hearing that if a committee Chair unilaterally did not want a minority Web page at all, he or she could simply refuse to have a Web page for the majority. This is, pure and simple, a restriction on access to information. The effect of this policy is that users of the Internet and the World Wide Web, our constituents, cannot get the information they want.

It would be similar to this analogy: The freshmen have a Web site; the Republican freshmen. Should the public have to access the Democratic freshmen Web site through the Republican

freshmen Web site? It would be, I think, ludicrous. Of course not. But it illustrates, I think, how ridiculous this policy can really be.

It is a bad policy to restrict information for. It flies in the face of all the discussion of a vaunted open Congress. It perverts the whole idea behind the free flow of electronic information that is inherent in the idea behind the Internet and the World Wide Web itself.

So I want to prevail upon the reason, the wisdom, the common sense of my colleagues and ask them to reject this policy, support this minimal reduction in the HIR budget, one we could easily make up with a tighter procurement policy, and strike a blow for open information regardless of whether one is with the minority or the majority.

After all, we all must anticipate during our careers we will share the experience in both categories.

The SPEAKER pro tempore. Is the gentleman from California [Mr. PACKARD] opposed to the motion to recommit?

Mr. PACKARD. Absolutely, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from California is recognized for 5 minutes.

Mr. PACKARD. Mr. Speaker, this is not a Republican Internet system. This is a bipartisan, bicameral system. The Members of the CyberCongress roster, the Internet Caucus roster, is made up of 50 Members of the House and Senate on both sides of the aisle, and they strongly urge that we proceed forward with the Web page and the Internet system.

This motion to recommit will mean that the team of computer experts who are helping individual Members, each of us, put their Web site on the Internet will be eliminated in this motion to recommit. This team not only helps the committees install their own Web pages, but it helps train our colleagues and their staff on how to use the Internet for their Web sites.

Mr. Chairman, this recommittal will harm the House's ability to use the Internet and make information available to our constituents. This funding is for two or three people who support Members and committee staff to present material in a clear and relevant way to the American people.

This is a policy issue, not an issue of funding, and should be dealt with in the policy forum, not through this bill. Currently 12 inquiries are received daily by HIR which reflect a growing demand on this service.

I urge my colleagues in a bipartisan way to reject this motion to recommit because it will hurt our colleagues' individual offices as they move toward the Internet.

Mr. Speaker, I yield to the gentleman from California [Mr. THOMAS], chairman of the Committee on House Oversight.

Mr. THOMAS. Mr. Speaker, if anyone ever wondered what was meant by the old phrase, ''cut off your nose to spite your face,'' we have got exhibit A in front of us in this motion to recommit.

The gentleman from California talked about the committee Web sites, that we have to go through hundreds of pages. Just a short time ago I showed our colleagues the pages. It is right on the front page. They even use an icon of a donkey for those who are not sure where they are supposed to go. We provide a book mark, go to that site once, and then in the software the return user can go directly to the minority site. Every committee has it except the Committee on Standards of Official Conduct and the Permanent Select Committee on Intelligence. What he proposes to do is cut out the employees in HIR that assist in the more than 180 Web sites.

Democrats and Republicans, we heard speech after speech about wanting an open Congress, wanting a House that was more willing to work with people on the outside, and we were not willing to do that by having the committees with the majority and the minority tied together like it is everywhere else.

I say to my colleagues, ''This amendment cuts off your nose to spite your face. You are going to deny support services to Democrats as well as Republicans, to groups like freshmen Democrats and freshmen Republicans so you can make a point backed up by facts that simply are not so.''

I would urge a ''no'' vote on the motion to recommit.

Mr. PACKARD. Reclaiming my time, Mr. Speaker, I strongly urge on a bipartisan basis that we, for our own good and for the good of our CyberCongress and our individual offices, vote this motion to recommit down, and I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. FAZIO of California. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

Pursuant to the provisions of clause 5 of rule XV, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of passage.

The vote was taken by electonic device, and there were—ayes 191, noes 230, not voting 12, as follows:

[Roll No. 297]

AYES—191

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Blumenauer
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
de la Garza
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gonzalez
Gordon
Green (TX)
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pickett
Pomeroy
Poshard
Rahall
Rangel
Reed
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Tanner
Tauzin
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Waxman
Williams
Wilson
Wise
Woolsey
Wynn
Yates

NOES—230

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeFazio
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Ehlers
Ehrlich
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greene (UT)
Greenwood
Gunderson
Gutknecht
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook

Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Lucas
Manzullo
Martini
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Peterson (MN)
Petri
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Vucanovich
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Zeliff
Zimmer

NOT VOTING—12

Clay
Dunn
Ford
Gibbons
Gutierrez
Hayes
Lantos
Lincoln
Longley
McDade
Watt (NC)
Young (FL)

□ 1644

The Clerk announced the following pairs:

On this vote:

Mr. Linder with Mr. Longley against.

Mr. Clay with Ms. Dunn of Washington against.

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the passage of the bill.

Pursuant to clause 7 of rule XV, the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 360, nays 58, not voting 15, as follows:

[Roll No. 298]

YEAS—360

Abercrombie
Ackerman
Allard
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blumenauer
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (OH)
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Christensen
Chrysler
Clayton
Clement
Clinger
Clyburn
Coburn
Coleman
Collins (GA)
Combest
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cummings
Cunningham
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Durbin
Edwards
Ehlers
Ehrlich
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Gejdenson
Gekas
Gephardt
Geren
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Greene (UT)
Greenwood
Gunderson
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E.B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Menendez
Meyers
Mica
Millender-McDonald
Miller (FL)
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Ney
Norwood
Nussle
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Rush
Salmon
Sanders
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schumer
Scott
Seastrand
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (WA)
Spence
Spratt
Stokes
Studds
Stupak
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Towns
Traficant
Upton
Velazquez
Vento
Visclosky
Vucanovich
Walker
Walsh
Wamp
Ward
Waters
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wise
Wolf
Woolsey
Wynn
Young (AK)
Zeliff

NAYS—58

Andrews
Brown (FL)
Bryant (TX)
Chenoweth
Coble
Collins (IL)
Collins (MI)
Condit
Conyers
Cooley
Danner
Dellums
Doggett
Engel
Fattah
Ganske
Green (TX)
Hamilton
Hancock
Hilliard
Jacobs
Johnston
LoBiondo
Lofgren
Markey
McDermott
Meehan
Meek
Metcalf
Miller (CA)
Minge
Moran
Neumann
Oberstar
Obey
Orton
Peterson (MN)
Petri
Roemer
Royce
Sabo
Sanford
Schroeder
Sensenbrenner
Slaughter
Solomon
Souder
Stark
Stearns
Stenholm
Stockman
Stump
Talent
Tanner
Torricelli
Volkmer
Yates
Zimmer

NOT VOTING—15

Clay
Dunn
Ford
Gibbons
Gutierrez
Hayes
Hyde
Lantos
Lincoln
Longley
McDade
Smith (TX)
Watt (NC)
Waxman
Young (FL)

□ 1652

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1997

Mr. GOSS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 472 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 472

Resolved, That at any time after the adoption of this resolution, the Speaker may, pursuant to clause 1(b) of rule XXIII, declared the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3755) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1997, and for other purposes. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 2(l)(6) of rule XI, clause 7 of rule XXI, or section 302 or 308 of the Congressional Budget Act of 1974 are waived. General debate shall be confined to the bill and shall not exceed two hours equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 or 6 of rule XXI are waived. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. The Chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment. The Chairman of the Committee of the

Whole may reduce to not less than five minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device without intervening business, provided that the time for voting by electronic device on the first in any series of questions shall be not less than 15 minutes. After the reading of the final lines of the bill, a motion that the Committee of the Whole rise and report the bill to the House with such amendments as may have been adopted shall, if offered by the majority leader or a designee, have precedence over a motion to amend. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. HUTCHINSON). The gentleman from Florida [Mr. GOSS] is recognized for 1 hour.

Mr. GOSS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the distinguished gentleman from Texas [Mr. FROST], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

(Mr. GOSS asked and was given permission to revise and extend his remarks and include extraneous material.)

Mr. GOSS. Mr. Speaker, the appropriations bill for the Department of Labor, Health and Human Services, Education, and related agencies always involves some controversy and usually involves much heated debate. Issues such as abortion, labor policy, the Federal role in education, stir passions and invite dialogue.

I am therefore, very pleased that the rule before us is completely open. Any Member who wishes to offer a germane amendment may do so.

Also, in the interest of comity and in recognition of the legitimate differences of opinion over some of the fundamental aspects of this bill, I offered an amendment in the Rules Committee to double usual time for general debate to 2 full hours, as requested by the ranking member the gentlemen from Wisconsin [Mr. OBEY], and we acceded to that request.

In addition, the rule allows the chairman of the Committee of the Whole to postpone or roll votes, a step we have taken on many bills recently which has helped, I think, provide for a smoother and more predictable schedule for Members in committee with important business taking place off the House floor.

Finally, the rule includes a preprinting option, I repeat, option, for the benefit of Members who file their amendments in advance. It is not mandatory.

Mr. Speaker, there will certainly be very comprehensive debate about the specifics of this bill. In fact, I think some of it has already started on the other side. I will not spend a lot of time previewing those discussions because this is about the rule.

I would, however, like to thank Chairman PORTER and his committee for the good work they have done to bring this bill to the floor. This legislation, as we will all recall, was indeed a lighting rod last year, and I think most of us will also remember it spent much time being stalled in the other body.

I think most Members will recognize the effort that has been made this year to produce a solid bill, one that is free from many of the controversial policy riders that hindered the progress in the fiscal year 1996 bill, a real effort that deserves our attention. While H.R. 3755 fully complies with the strict limits needed to reach a balanced budget by 2002, that is, it is on the budget glide path, discretionary funding is nevertheless up $2.4 billion, almost $2.5 billion in additional, increased spending in this bill.

□ 1700

Although we undoubtedly will hear the charge from the defenders of big government that we are not spending enough, we will never be spending enough for some people. Instead of the old approach of funding all government programs, those big and small, good and bad, at equally high levels, which was the way we did business around here for a long time, which got us into such fiscal problems as we are having now, this new Congress, under the new majority management, has set priorities for this bill this time, providing adequate funding for those programs that were effective and do the most good, programs such as Head Start, and reduced or eliminated the tax dollars going to wasteful or ineffective or out-of-date or off-the-mark programs; Goals 2000 is one that comes to mind.

This is simple, common sense, the same common sense exercised by families at the kitchen table every day as they plan their own family finances, or by shoppers at the supermarket as they go about the business of buying their necessities.

I am pleased that we have been able to instill some of that restraint here in this bill. Americans are asking for that restraint. Americans are used to that type of restraint in their own affairs, and they are demanding that type of restraint for the people who represent them in this, the House of the people, where all funding bills start.

I urge my colleagues to support this rule. It is a good rule. We do not ever get a better rule than this rule unless we are opposed to open rules.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Republican majority has given us a good rule for a bad bill. But Mr. Speaker, giving the House an open rule for this appropriation is essentially a meaningless gesture because, for the second year in a row, there is simply no way to fix this bill by amendment. Piecemeal amendments will not turn this sow's ear into anything but a sow's ear.

Mr. Speaker, the Republican majority has, in this appropriation, made a very bold statement about their priorities. For the second year in a row, the Republican majority want to cut, slash and eliminate programs that aid families, provide educational opportunity, ensure workplace safety, and protect our children's health.

For the second year in a row, the Republican majority has recommended appropriations for the Departments of Labor, Health and Human Services and Education which ignore the priorities of the American people: jobs, education and training, and health and safety. The Republican majority wants to cut these critical programs to balance the budget. The Republicans want to reduce the number of Head Start slots available for disadvantaged children, to cut summer youth employment, to reduce the availability of student loans and grants, and to cut the funds that make computers and links to the information superhighway available to schools throughout the Nation.

Mr. Speaker, I want to balance the budget, but I do not want to do it on the backs of working families and school kids. But the Republican majority is asking us to do just that. The majority wants to make cuts that in the short term look good on paper, but in the long term will do great harm.

These cuts are not just shortsighted, Mr. Speaker, they are foolish. We cannot expect our economy to grow if our work force is undereducated. We cannot expect our businesses and industry to compete in the worldwide marketplace if our workers do not have adequate training. But, the cuts in job training in the bill will take away opportunities for displaced workers to retrain and for new workers to train for the jobs of the 21st century.

Mr. Speaker, there is simply no way to fix this bill. The Appropriations Committee ranking member, Mr. OBEY, stated this yesterday when the Rules Committee met to consider a rule for this appropriation. At his request, the Rules Committee has provided 2 hours of general debate so that the House can fully air the differences in priorities between the majority and the minority. This debate promises to be only a beginning of yet another long-term debate between the Republican majority in the House of Representatives and those of us who want to ensure that American priorities in jobs, education and training, and health and safety are protected.

Mr. Speaker, I yield 5 minutes to the gentleman from Mississippi [Mr. TAYLOR].

Mr. TAYLOR of Mississippi. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I rise and ask my colleagues to defeat the previous question.

I do so knowing that there are honorable people who serve on the Committee on Rules, and that by and large they try to do the right thing every time. But I can tell my colleagues in this instance the Committee on Rules acted somewhat out of character when a bill that has been sponsored by 8 of the 13 members of the Committee on Rules that I tried to offer as an amendment to this bill was defeated in the very same Committee on Rules, by and large, by the eight people who sponsored the bill.

The bill is all about keeping promises. The bill is all about changing the way Congress does business. First to the promises. When we think about it, the only people in America who were really promised free health care were those people who enlisted in the military when their recruiter told them, if you serve our country honorably for 20 years or more, at the end of that period of time, you will be given free care in a military health facility for you and your spouse for the rest of your life.

That promise was made in the 1930's. It was made in the 1940's. It was made in the 1950's. And I can assure my colleagues that on June 25, 1971, in the Customs House on Canal Street in New Orleans, LA, it was made to me. I did not serve for 20 years, and, therefore, I do not deserve free health care. But there are a heck of a lot of people who served for 20 years, 30 years, who fought in World War II, Korea, Vietnam, most recently Desert Storm, Panama and Grenada who had their enlistment officer tell them just that and who, effective on July 1 of this year, upon reaching the age of 65 when they showed up at the military hospital for the treatment they had been receiving for years were told we cannot take you anymore. You have to go to a private doctor. Medicare will reimburse some of those costs, but not all of those costs.

So, now at the point in their life where they cannot go back to work because they are over 65 and not very many people hire people over 65, where they thought they had been promised free health care for the rest of their lives, they were being told they are not. They are being told that now they have to dig into their pocket.

Now, sometimes it is not a whole lot of money if it is just a common cold. But what if it is something like leukemia? What if it is something like cancer? What if it is a serious heart condition that involves not dozens of dollars but tens if not thousands of dollars? Now they have to pay, and they have to pay dearly for something that our Nation promised them.

The amendment that I would like to offer is really not my idea. It is the brainchild of the gentleman from Colorado [Mr. HEFLEY] and it is cosponsored by almost 270 Members of this body. It is cosponsored by both the chairman and the ranking member of the Veterans' Affairs Committee. It is cosponsored by the chairman and ranking member of the National Security Committee. It is cosponsored by the chairman of the Committee on Appropriations. It is cosponsored by myself, and it was a part of the Blue Dog coalition budget because we think it is important that this Nation keep our promises.

When brought before the Committee on Rules with all of the things that I have just told my colleagues, the importance of keeping promises, the importance of this Congress, of any Congress ever before keeping its word to the American people, in particular keeping our word to those people who have given the most to our country, the Committee on Rules voted in a party line vote, I am sorry to say, not to bring it before this body. That is wrong and it is time we changed things.

If Members recall, 1½ years ago a group of people were swept into office with the promise that no more business as usual, no more letting parliamentary rules keeping the right thing from happening, no more losing the forest for the sake of a couple of trees. Today is an opportunity for those people to keep their word.

Today is an opportunity for the 270 people who cosponsored this bill to put their vote where they put their signature, and that is to defend the rights of our military retirees who served this country so well, who kept their part of the bargain. And all they ask in return is for our Nation to keep its word. As I said before, they are the only people in this country who were promised health care. Prior to Medicare and Medicaid coming along, they were the only people who got health care. And now is it not ironic that the people who dodged the draft, that the people who may even be here illegally get free health care? But the people who paid with 6 months at a time at sea on aircraft carriers and submarines, the people who lost limbs, the people who lost their vision, the people who were away from their families, whose families split up because they were away defending our country, they are not getting the health care they were promised.

Mr. Speaker, this rule is wrong. It needs to be defeated, and we need to give those veterans of our country, our military retirees, what they were promised.

Mr. GOSS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just say to the gentleman from Mississippi, who is my friend and the substance of whose bill I very much support, even though I am sorry to say I am not a cosponsor primarily because I wasn't aware of the substance of all the bill until yesterday, has been guided on how to go about accomplishing his mission, observing the rules and the protocols of the House. The first we have heard about this and the first I had heard about this was last night as we were in the Rules meeting.

It just so happens that through an agreement in the protocol between both parties, the minority and the majority on this, we were not able to stick to our protocols in the Committee on Rules and make him in order. However, there were other options for him to pursue without disrupting what I think is a good, open rule for us to get on with the debate with one of the major appropriations bills that has the funding for major agencies of the Federal Government and a great many people who are depending on the activities of those agencies.

It seems to me the right way to deal with that is through the established rules and protocols of the House, and we have been happy to provide that information to the gentleman from Mississippi and I hope he will follow that course and he will have my support if he does.

Mr. Speaker, I include for the RECORD the following material:

THE AMENDMENT PROCESS UNDER SPECIAL RULES REPORTED BY THE RULES COMMITTEE,[1] 103D CONGRESS V. 104TH CONGRESS

[As of July 10, 1996]

Rule type	103d Congress		104th Congress	
	Number of rules	Percent of total	Number of rules	Percent of total
Open/Modified-Open [2]	46	44	77	60
Structured/Modified Closed [3]	49	47	34	27
Closed [4]	9	9	17	13
Total	104	100	128	100

[1] This table applies only to rules which provide for the original consideration of bills, joint resolutions or budget resolutions and which provide for an amendment process. It does not apply to special rules which only waive points of order against appropriations bills which are already privileged and are considered under an open amendment process under House rules.

[2] An open rule is one under which any Member may offer a germane amendment under the five-minute rule. A modified open rule is one under which any Member may offer a germane amendment under the five-minute rule subject only to an overall time limit on the amendment process and/or a requirement that the amendment be preprinted in the Congressional Record.

[3] A structured or modified closed rule is one under which the Rules Committee limits the amendments that may be offered only to those amendments designated in the special rule or the Rules Committee report to accompany it, or which preclude amendments to a particular portion of a bill, even though the rest of the bill may be completely open to amendment.

[4] A closed rule is one under which no amendments may be offered (other than amendments recommended by the committee in reporting the bill).

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS

[As of July 10, 1996]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 38 (1/18/95)	O	H.R. 5	Unfunded Mandate Reform	A: 350–71 (1/19/95).
H. Res. 44 (1/24/95)	MC	H. Con. Res. 17	Social Security	A: 255–172 (1/25/95).
		H.J. Res. 1	Balanced Budget Amdt	
H. Res. 51 (1/31/95)	O	H.R. 101	Land Transfer, Taos Pueblo Indians	A: voice vote (2/1/95).
H. Res. 52 (1/31/95)	O	H.R. 400	Land Exchange, Arctic Nat'l. Park and Preserve	A: voice vote (2/1/95).
H. Res. 53 (1/31/95)	O	H.R. 440	Land Conveyance, Butte County, Calif	A: voice vote (2/1/95).
H. Res. 55 (2/1/95)	O	H.R. 2	Line Item Veto	A: voice vote (2/2/95).
H. Res. 60 (2/6/95)	O	H.R. 665	Victim Restitution	A: voice vote (2/7/95).
H. Res. 61 (2/6/95)	O	H.R. 666	Exclusionary Rule Reform	A: voice vote (2/7/95).
H. Res. 63 (2/8/95)	MO	H.R. 667	Violent Criminal Incarceration	A: voice vote (2/9/95).
H. Res. 69 (2/9/95)	O	H.R. 668	Criminal Alien Deportation	A: voice vote (2/10/95).
H. Res. 79 (2/10/95)	MO	H.R. 728	Law Enforcement Block Grants	A: voice vote (2/13/95).
H. Res. 83 (2/13/95)	MO	H.R. 7	National Security Revitalization	PQ: 229–199; A: 227–197 (2/15/95).
H. Res. 88 (2/16/95)	MC	H.R. 831	Health Insurance Deductibility	PQ: 230–191; A: 229–188 (2/21/95).
H. Res. 91 (2/21/95)	O	H.R. 830	Paperwork Reduction Act	A: voice vote (2/22/95).
H. Res. 92 (2/21/95)	MC	H.R. 889	Defense Supplemental	A: 282–144 (2/22/95).
H. Res. 93 (2/22/95)	MO	H.R. 450	Regulatory Transition Act	A: 252–175 (2/23/95).
H. Res. 96 (2/24/95)	MO	H.R. 1022	Risk Assessment	A: 253–165 (2/27/95).
H. Res. 100 (2/27/95)	O	H.R. 926	Regulatory Reform and Relief Act	A: voice vote (2/28/95).
H. Res. 101 (2/28/95)	MO	H.R. 925	Private Property Protection Act	A: 271–151 (3/2/95).
H. Res. 103 (3/3/95)	MO	H.R. 1058	Securities Litigation Reform	
H. Res. 104 (3/3/95)	MO	H.R. 988	Attorney Accountability Act	A: voice vote (3/6/95).
H. Res. 105 (3/6/95)	MO			A: 257–155 (3/7/95).
H. Res. 108 (3/7/95)	Debate	H.R. 956	Product Liability Reform	A: voice vote (3/8/95).
H. Res. 109 (3/8/95)	MC			PQ: 234–191 A: 247–181 (3/9/95).
H. Res. 115 (3/14/95)	MO	H.R. 1159	Making Emergency Supp. Approps	A: 242–190 (3/15/95).
H. Res. 116 (3/15/95)	MC	H.J. Res. 73	Term Limits Const. Amdt	A: voice vote (3/28/95).
H. Res. 117 (3/16/95)	Debate	H.R. 4	Personal Responsibility Act of 1995	A: voice vote (3/21/95).
H. Res. 119 (3/21/95)	MC			A: 217–211 (3/22/95).
H. Res. 125 (4/3/95)	O	H.R. 1271	Family Privacy Protection Act	A: 423–1 (4/4/95).
H. Res. 126 (4/3/95)	O	H.R. 660	Older Persons Housing Act	A: voice vote (4/6/95).
H. Res. 128 (4/4/95)	MC	H.R. 1215	Contract With America Tax Relief Act of 1995	A: 228–204 (4/5/95).
H. Res. 130 (4/5/95)	MC	H.R. 483	Medicare Select Expansion	A: 253–172 (4/6/95).
H. Res. 136 (5/1/95)	O	H.R. 655	Hydrogen Future Act of 1995	A: voice vote (5/2/95).
H. Res. 139 (5/3/95)	O	H.R. 1361	Coast Guard Auth. FY 1996	A: voice vote (5/9/95).
H. Res. 140 (5/9/95)	O	H.R. 961	Clean Water Amendments	A: 414–4 (5/10/95).
H. Res. 144 (5/11/95)	O	H.R. 535	Fish Hatchery—Arkansas	A: voice vote (5/15/95).
H. Res. 145 (5/11/95)	O	H.R. 584	Fish Hatchery—Iowa	A: voice vote (5/15/95).
H. Res. 146 (5/11/95)	O	H.R. 614	Fish Hatchery—Minnesota	A: voice vote (5/15/95).
H. Res. 149 (5/16/95)	MC	H. Con. Res. 67	Budget Resolution FY 1996	PQ: 252–170 A: 255–168 (5/17/95).
H. Res. 155 (5/22/95)	MO	H.R. 1561	American Overseas Interests Act	A: 233–176 (5/23/95).
H. Res. 164 (6/8/95)	MC	H.R. 1530	Nat. Defense Auth. FY 1996	PQ: 225–191 A: 233–183 (6/13/95).
H. Res. 167 (6/15/95)	O	H.R. 1817	MilCon Appropriations FY 1996	PQ: 223–180 A: 245–155 (6/16/95).
H. Res. 169 (6/19/95)	MC	H.R. 1854	Leg. Branch Approps. FY 1996	PQ: 232–196 A: 236–191 (6/20/95).
H. Res. 170 (6/20/95)	O	H.R. 1868	For. Ops. Approps. FY 1996	PQ: 221–178 A: 217–175 (6/22/95).
H. Res. 171 (6/22/95)	O	H.R. 1905	Energy & Water Approps. FY 1996	A: voice vote (7/12/95).
H. Res. 173 (6/27/95)	C	H.J. Res. 79	Flag Constitutional Amendment	PQ: 258–170 A: 271–152 (6/28/95).
H. Res. 176 (6/28/95)	MC	H.R. 1944	Emer. Supp. Approps	PQ: 236–194 A: 234–192 (6/29/95).
H. Res. 185 (7/11/95)	O	H.R. 1977	Interior Approps. FY 1996	PQ: 235–193 D: 192–238 (7/12/95).
H. Res. 187 (7/12/95)	O	H.R. 1977	Interior Approps. FY 1996 #2	PQ: 230–194 A: 229–195 (7/13/95).
H. Res. 188 (7/12/95)	O	H.R. 1976	Agriculture Approps. FY 1996	PQ: 242–185 A: voice vote (7/18/95).
H. Res. 190 (7/17/95)	O	H.R. 2020	Treasury/Postal Approps. FY 1996	PQ: 232–192 A: voice vote (7/18/95).
H. Res. 193 (7/19/95)	C	H.J. Res. 96	Disapproval of MFN to China	A: voice vote (7/20/95).
H. Res. 194 (7/19/95)	O	H.R. 2002	Transportation Approps. FY 1996	PQ: 217–202 (7/21/95).
H. Res. 197 (7/21/95)	O	H.R. 70	Exports of Alaskan Crude Oil	A: voice vote (7/24/95).
H. Res. 198 (7/21/95)	O	H.R. 2076	Commerce, State Approps. FY 1996	A: voice vote (7/25/95).
H. Res. 201 (7/25/95)	O	H.R. 2099	VA/HUD Approps. FY 1996	A: 230–189 (7/25/95).
H. Res. 204 (7/28/95)	MC	S. 21	Terminating U.S. Arms Embargo on Bosnia	A: voice vote (8/1/95).
H. Res. 205 (7/28/95)	O	H.R. 2126	Defense Approps. FY 1996	A: 409–1 (7/31/95).
H. Res. 207 (8/1/95)	MC	H.R. 1555	Communications Act of 1995	A: 255–156 (8/2/95).
H. Res. 208 (8/1/95)	O	H.R. 2127	Labor, HHS Approps. FY 1996	A: 323–104 (8/2/95).
H. Res. 215 (9/7/95)	O	H.R. 1594	Economically Targeted Investments	A: voice vote (9/12/95).
H. Res. 216 (9/7/95)	MO	H.R. 1655	Intelligence Authorization FY 1996	A: voice vote (9/12/95).
H. Res. 218 (9/12/95)	O	H.R. 1162	Deficit Reduction Lockbox	A: voice vote (9/13/95).
H. Res. 219 (9/12/95)	O	H.R. 1670	Federal Acquisition Reform Act	A: 414–0 (9/13/95).
H. Res. 222 (9/18/95)	O	H.R. 1617	CAREERS Act	A: 388–2 (9/19/95).
H. Res. 224 (9/19/95)	O	H.R. 2274	Natl. Highway System	PQ: 241–173 A: 375–39–1 (9/20/95).
H. Res. 225 (9/19/95)	MC	H.R. 927	Cuban Liberty & Dem. Solidarity	A: 304–118 (9/20/95).
H. Res. 226 (9/21/95)	O	H.R. 743	Team Act	A: 344–66–1 (9/27/95).
H. Res. 227 (9/21/95)	O	H.R. 1170	3-Judge Court	A: voice vote (9/28/95).
H. Res. 228 (9/21/95)	O	H.R. 1601	Internatl. Space Station	A: voice vote (9/27/95).
H. Res. 230 (9/27/95)	C	H.J. Res. 108	Continuing Resolution FY 1996	A: voice vote (9/28/95).
H. Res. 234 (9/29/95)	O	H.R. 2405	Omnibus Science Auth	A: voice vote (10/11/95).
H. Res. 237 (10/17/95)	MC	H.R. 2259	Disapprove Sentencing Guidelines	A: voice vote (10/18/95).
H. Res. 238 (10/18/95)	MC	H.R. 2425	Medicare Preservation Act	PQ: 231–194 A: 227–192 (10/19/95).
H. Res. 239 (10/19/95)	C	H.R. 2492	Leg. Branch Approps	PQ: 235–184 A: voice vote (10/31/95).
H. Res. 245 (10/25/95)	MC	H. Con. Res. 109	Social Security Earnings Reform	PQ: 228–191 A: 235–185 (10/26/95).
		H.R. 2491	Seven-Year Balanced Budget	
H. Res. 251 (10/31/95)	C	H.R. 1833	Partial Birth Abortion Ban	A: 237–190 (11/1/95).
H. Res. 252 (10/31/95)	MO	H.R. 2546	D.C. Approps.	A: 241–181 (11/1/95).
H. Res. 257 (11/7/95)	C	H.J. Res. 115	Cont. Res. FY 1996	A: 216–210 (11/8/95).
H. Res. 258 (11/8/95)	MC	H.R. 2586	Debt Limit	A: 220–200 (11/10/95).
H. Res. 259 (11/9/95)	O	H.R. 2539	ICC Termination Act	A: voice vote (11/14/95).
H. Res. 262 (11/9/95)	C	H.R. 2586	Increase Debt Limit	A: 220–185 (11/10/95).
H. Res. 269 (11/15/95)	O	H.R. 2564	Lobbying Reform	A: voice vote (11/16/95).
H. Res. 270 (11/15/95)	C	H.J. Res. 122	Further Cont. Resolution	A: 249–176 (11/15/95).
H. Res. 273 (11/16/95)	MC	H.R. 2606	Prohibition on Funds for Bosnia	A: 239–181 (11/17/95).
H. Res. 284 (11/29/95)	O	H.R. 1788	Amtrak Reform	A: voice vote (11/30/95).
H. Res. 287 (11/30/95)	O	H.R. 1350	Maritime Security Act	A: voice vote (12/6/95).
H. Res. 293 (12/7/95)	C	H.R. 2621	Protect Federal Trust Funds	PQ: 223–183 A: 228–184 (12/14/95).
H. Res. 303 (12/13/95)	O	H.R. 1745	Utah Public Lands	PQ: 221–197 A: voice vote (5/15/96).
H. Res. 309 (12/18/95)	C	H. Con. Res. 122	Budget Res. W/President	PQ: 230–188 A: 229–189 (12/19/95).
H. Res. 313 (12/19/95)	O	H.R. 558	Texas Low-Level Radioactive	A: voice vote (12/20/95).
H. Res. 323 (12/21/95)	C	H.R. 2677	Natl. Parks & Wildlife Refuge	Tabled (2/28/96).
H. Res. 366 (2/27/96)	MC	H.R. 2854	Farm Bill	PQ: 228–182 A: 244–168 (2/28/96).
H. Res. 368 (2/28/96)	O	H.R. 994	Small Business Growth	Tabled (4/17/96).
H. Res. 371 (3/6/96)	C	H.R. 3021	Debt Limit Increase	A: voice vote (3/7/96).
H. Res. 372 (3/6/96)	MC	H.R. 3019	Cont. Approps. FY 1996	PQ: voice vote A: 235–175 (3/7/96).
H. Res. 380 (3/12/96)	C	H.R. 2703	Effective Death Penalty	A: 251–157 (3/13/96).
H. Res. 384 (3/14/96)	MC	H.R. 2202	Immigration	PQ: 233–152 A: voice vote (3/19/96).
H. Res. 386 (3/20/96)	C	H.J. Res. 165	Further Cont. Approps	PQ: 234–187 A: 237–183 (3/21/96).
H. Res. 388 (3/21/96)	C	H.R. 125	Gun Crime Enforcement	A: 244–166 (3/22/96).
H. Res. 391 (3/27/96)	C	H.R. 3136	Contract w/America Advancement	PQ: 232–180 A: 232–177, (3/28/96).
H. Res. 392 (3/27/96)	MC	H.R. 3103	Health Coverage Affordability	PQ: 229–186 A: Voice Vote (3/29/96).
H. Res. 395 (3/29/96)	MC	H.J. Res. 159	Tax Limitation Const. Amdmt.	PQ: 232–168 A: 234–162 (4/15/96).
H. Res. 396 (3/29/96)	O	H.R. 842	Truth in Budgeting Act	A: voice vote (4/17/96).
H. Res. 409 (4/23/96)	O	H.R. 2715	Paperwork Elimination Act	A: voice vote (4/24/96).
H. Res. 410 (4/23/96)	O	H.R. 1675	Natl. Wildlife Refuge	A: voice vote (4/24/96).
H. Res. 411 (4/23/96)	C	H.J. Res. 175	Further Cont. Approps. FY 1996	A: voice vote (4/24/96).
H. Res. 418 (4/30/96)	O	H.R. 2641	U.S. Marshals Service	PQ: 219–203 A: voice vote (5/1/96).

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS—Continued

[As of July 10, 1996]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 419 (4/30/96)	O	H.R. 2149	Ocean Shipping Reform	A: 422–0 (5/1/96).
H. Res. 421 (5/2/96)	O	H.R. 2974	Crimes Against Children & Elderly	A: voice vote (5/7/96).
H. Res. 422 (5/2/96)	O	H.R. 3120	Witness & Jury Tampering	A: voice vote (5/7/96).
H. Res. 426 (5/7/96)	O	H.R. 2406	U.S. Housing Act of 1996	PQ: 218–208 A: voice vote (5/8/96).
H. Res. 427 (5/7/96)	O	H.R. 3322	Omnibus Civilian Science Auth	A: voice vote (5/9/96).
H. Res. 428 (5/7/96)	MC	H.R. 3286	Adoption Promotion & Stability	A: voice vote (5/9/96).
H. Res. 430 (5/9/96)	S	H.R. 3230	DoD Auth. FY 1997	A: 235–149 (5/10/96).
H. Res. 435 (5/15/96)	MC	H. Con. Res. 178	Con. Res. on the Budget, 1997	PQ: 227–196 A: voice vote (5/16/96).
H. Res. 436 (5/16/96)	C	H.R. 3415	Repeal 4.3 cent fuel tax	PQ: 221–181 A: voice vote (5/21/96).
H. Res. 437 (5/16/96)	MO	H.R. 3259	Intell. Auth. FY 1997	A: voice vote (5/21/96).
H. Res. 438 (5/16/96)	MC	H.R. 3144	Defend America Act	
H. Res. 440 (5/21/96)	MC	H.R. 3448	Small Bus. Job Protection	A: 219–211 (5/22/96).
	MC	H.R. 1227	Employee Commuting Flexibility	
H. Res. 442 (5/29/96)	O	H.R. 3517	Mil. Const. Approps. FY 1997	A: voice vote (5/30/96).
H. Res. 445 (5/30/96)	O	H.R. 3540	For. Ops. Approps. FY 1997	A: voice vote (6/5/96).
H. Res. 446 (6/5/96)	MC	H.R. 3562	WI Works Waiver Approval	A: 363–59 (6/6/96).
H. Res. 448 (6/6/96)	MC	H.R. 2754	Shipbuilding Trade Agreement	A: voice vote (6/12/96).
H. Res. 451 (6/10/96)	O	H.R. 3603	Agriculture Appropriations, FY 1997	A: voice vote (6/11/96).
H. Res. 453 (6/12/96)	O	H.R. 3610	Defense Appropriations, FY 1997	A: voice vote (6/13/96).
H. Res. 455 (6/18/96)	O	H.R. 3662	Interior Approps, FY 1997	A: voice vote (6/19/96).
H. Res. 456 (6/19/96)	O	H.R. 3666	VA/HUD Approps	A: 246–166 (6/25/96).
H. Res. 460 (6/25/96)	O	H.R. 3675	Transportation Approps	A: voice vote (6/26/96).
H. Res. 472 (7/9/96)	MC	H.R. 3755	Labor/HHS Approps	
H. Res. 473 (7/9/96)	O	H.R. 3754	Leg. Branch Approps	A: voice vote (7/10/96).

Codes: O-open rule; MO-modified open rule; MC-modified closed rule; S/C-structured/closed rule; A-adoption vote; D-defeated; PQ-previous question vote. Source: Notices of Action Taken, Committee on Rules, 104th Congress.

Mr. GOSS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Michigan [Mr. KNOLLENBERG], a member of both the Committee on Economic and Educational Opportunities and the Committee on Appropriations.

Mr. KNOLLENBERG. Mr. Speaker, I thank the gentleman from Florida for yielding me the time.

Mr. Speaker, every hard working American family stands to benefit from the policies the Republican Congress is moving forward.

Despite the outrageous scare tactics and the ''sky is falling'' strategy of the Democrats, the future will be better for our children and our grandchildren.

We have successfully aimed to cut wasteful spending, reduce duplication, and lower taxes to get the Government out of our workers checkbooks. And with a balanced budget, lower interest rates will mean lower mortgages, lower car payments, and more affordable student loans.

We have pushed for welfare reform that rewards hard work and perseverance and returns the expectation of personal responsibility. The Democrats and President Clinton have only blown hot air at welfare reform while still pushing the same old spend-spend-spend welfare state.

Republicans have promoted workplace safety protections and pushed for better designed programs to help students go to college.

And if you really want to help working families, we'll cut their taxes and let them keep more of their hard-earned money rather than give them 90 cents an hour.

We've made solid progress to cut spending, balance the budget, and make this Government work better. This bill is an important part of the fight. So reject the deception and the distortions. Support the rule. It is a good rule. It is an open rule and support this bill.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Tennessee [Mr. TANNER].

Mr. TANNER. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, this is about fairness, as the gentleman from Mississippi [Mr. TAYLOR] said earlier, and this is the only way we know to bring this matter to the floor at this time.

Military retirees and their dependents who are Medicare eligible over the age of 65 are now being forced out of the military health care system and on to Medicare. Under current law, the Department of Defense cannot be reimbursed by HCFA for treating Medicare-eligible retirees. Without Medicare reimbursement, the Retired Officers Association said these words: The DOD has no funding or financial incentive to treat military Medicare eligibles; thus, they are being shoved out of the military health care system and on to Medicare.

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If that were not bad enough, CHAMPUS eligible beneficiaries who enroll are abruptly disenfranchised from Tricare when they become Medicare eligible.

After we looked at the Persian Gulf war 3 years ago and realized that we could have had a problem if as many people had gotten hurt as possibly could have, in treating them, we decided we ought to not persist in a drawdown of medical personnel and medical infrastructure in our active guard and reserve forces. And so at that time we passed MediGuard, allowing the Governors of the various States to select medically underserved areas in those States, and then we would use reserve and guard personnel to go and conduct what we would call, I suppose, defensive medicine, screening for high blood pressure and so forth, to keep that ready military medical infrastructure in place in case we have another situation like the Persian Gulf.

I am convinced that military medical readiness will suffer if these people are continued to be denied access to care. Our medical military system must attract, train, and retain physicians and other health care personnel if it is going to be a capable and viable national resource for our defense.

Medicare subvention provides this institutional foundation which is needed to meet any contingency operation and will ensure that our military retirees have the freedom of choice in health care that they have earned, have been promised and deserve.

Now they say, well, this is out of order because we are in an open rule on Labor-HHS. This is telling HHS in this bill that they can reimburse the Department of Defense for these people. It is the same money, the same illnesses, the same medical people, but we do not force military retirees over the age of 65 out of military hospitals. That is just plain wrong.

There is a remedy under this bill to do it. If we could defeat this rule or the previous question, then we can have our amendment, which was denied us in the Committee on Rules, brought on the floor for a vote. That is all we ask.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas [Ms. JACKSON-LEE].

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, we come again to a time when this Congress is offering to the American public the multistrike bill and everyone is out. I would have hoped that after last year we could have come to the table of compromise on the Labor, Health and Human Services and Education appropriations bill, but we find that this department is underfunded some $6.15 billion below the President's request.

What strikes me the most is that we have given up on children by underfunding Head Start by $38.1 million, which serves only 740,000 out of the two million children who are currently eligible for this important and effective early childhood program.

Just a couple of weeks ago I had the opportunity to be in California discussing the crisis of juvenile crime all over the Nation, and one thing that we were assured of or convinced of, as the

RAND study has indicated, that it is the upfront cost that will allow us to invest in Americans and prevent the incarceration of citizens in their later life.

I cannot understand my Republican colleagues for striking out Head Start once more and disallowing the numbers of children that need this service to not be served. Additionally, I cannot understand if this is a Nation of working people, supporting working Americans, that we would cut the dollars that promotes workplace safety and health and also pensions security.

Just yesterday, in a very grateful manner, the Senate voted overwhelmingly to support the increase in the minimum wage. We now in the House of Representatives will be dealing with a bill that says to the American workers that they are out. We strike them out on workplace safety, we strike them out in health care and we strike them out in pension security.

We have worked over the last 2 years to ensure that our young people have an appreciation for work. The Youth Summer Jobs Program has been one that I have personally taken charge to see that we respect the fact that young people care about work. We cut it in 1995, they cut it in fiscal year 1996, but yet we were able to see that it survived. Here we go again, we are now at 442,000 youth who cannot be served because of the cuts in the Youth Summer Jobs Program. I think it is important that we recognize that America is a country of inclusiveness.

I would say that, in addition to including our youth, we should recognize those who suffer from mental illness and drug abuse. The bill provides less funding for the Substance Abuse and Mental Health Services Administration. The amount, $1.85 billion, is an aggregated cut of $33.9 million below the current funding level and is $248 million below the administration's request.

Just for a moment, one of the things I have heard often when I have spoken to my health care providers in Texas is that mental health is an important issue. I think if we defeat this rule we will be able to support youth, children, and those who suffer from mental illness and substance abuse. I ask my colleagues to defeat the rule.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Speaker, I rise in strong opposition today of the Labor, Health and Human Services and Education appropriations bill. While we should be investing more in education to give our children the tools of opportunity in order to succeed, the Gingrich Congress continues its assault on education.

The central theme of the leadership revolution has been to deny working families and children in this country educational opportunities at every level of their academic development. And this bill is more of the same.

The enrollment in public schools today is rising. Tuition costs for college are going through the roof and working families are being squeezed just to make ends meet. This Congress should be doing everything in its power to expand access to a college education, to maintain support for local schools, ensure that every child who walks into a classroom is healthy, fed, and ready to learn.

This bill does the exact opposite. It slashes education. That is dumb and it is wrong. Let me cite the blows inflicted by this bill.

Our national investment in elementary and secondary education is cut by $400 million from last year's level. The bill kicks 15,000 children out of Head Start. It denies 150,000 children needed help in reading and mathematics for next year. The bill stops Federal funding of school reform. Goals 2000, which enables teachers to reform our schools, to discover innovative methods to improve the academic performance of all students, is eliminated under this bill. It slashes safe and drug-free schools, putting children in my district in New Haven, CT at risk of violence in their schools.

In higher education the bill would deny 191,000 students Pell Grants next year. The bill denies 96,000 deserving postsecondary students the opportunity to receive low-interest Perkins loans. It reduces funds to administer the direct lending program, limiting the number of loans available to students and working families for 14 colleges and universities in Connecticut.

The Gingrich revolutionaries just do not get it. We have been down this road before. The American people have spoken out loudly and clearly in opposition to an extreme Republican agenda, yet it has reared its ugly head once again in this bill. The American people understand that the only way that we move competitively into the 21st century is through an educated work force.

Educating our kids is primary to families today. Dismantling public education in this country is the wrong way to balance a budget. We should reject this all-out attack on education for middle-class Americans.

Some of my opponents say the Republicans have changed their tune from 4 months ago, found faith in America's public education. This is simply not true. I call on my colleagues to reject this extreme antieducation bill.

Mr. GOSS. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Ohio, Judge PRYCE, a distinguished member of the Committee on Rules.

Ms. PRYCE. Mr. Speaker, I thank my friend from Florida, Mr. GOSS, for yielding me the time, and I rise in support of both the rule and the Labor–HHS appropriations bill.

First, this is another open rule. With the exception of the legislative branch appropriations bill, which we considered earlier today, all of the regular spending bills that have come to the floor of the House this year have been considered under an open amendment process, and we continue that same spirit of unrestricted debate today.

Second, I'd like to commend Chairman PORTER for crafting a very responsible bill—one that keeps our commitment to preserving and protecting the health, welfare, and Social Security of the American people.

Although this year's bill freezes spending for many programs at last year's level, the bill does provide increased funding for education and Head Start, for block grants that support child care and community services, for the Violence Against Women Act, for the National Institutes of Health, and for valuable outreach and support programs like TRIO—which encourages young people in my district of Columbus, OH, to pursue a college education.

Even with the increased funding levels, Mr. Speaker, the bill is within the 602(b) allocation, and as our colleagues know, that is crucial to keeping us on the glidepath to a balanced Federal budget.

As we work to get our fiscal house in order, we must ensure that all funding is spent efficiently and where it is most effective in our society. This bill achieves this important goal by emphasizing, among other things, local control, parental involvement, and basic academics.

Notwithstanding the challenge of balancing the Federal budget in 6 years, I believe H.R. 3755 makes the right kind of investment in education, job training, and health, while also shrinking the size of government and funding only those programs that have demonstrated their effectiveness.

Mr. Speaker, the Labor–HHS bill is one of the largest of the 13 annual spending bills, and under this open rule, we will have the opportunity to discuss spending priorities in a fair and open manner, and I look forward to that debate. I urge my colleagues to support this open rule and the underlying legislation.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I urge a no vote on the previous question. If the previous question is defeated, I shall offer an amendment to the rule which will make in order the amendment by the gentleman from Mississippi, Representative TAYLOR.

The Taylor amendment seeks to allow HCFA to reimburse DOD for treatment in military medical facilities of military retirees and their dependents over the age of 65 who are Medicare eligible.

Mr. Speaker, I include the text of the proposed amendment to the rule at this point in the RECORD.

On page 2, line 15, of H. Res. 472, immediately after ''waived.'' insert the following:

''Notwithstanding any other provision of this rule, it shall be in order to consider an amendment to be offered by Representative Taylor of Mississippi or his designee, which

shall be in order without intervention of any point of order (except those arising under section 425(a) of the Congressional Budget Act of 1974) or a demand for a division of the question, and shall be considered as read.''

Mr. Speaker, at the beginning of this Congress the Republican majority claimed the House was going to consider bills under an open process. I want to point out that 60 percent of the legislation in this session has been considered under a restrictive process.

Mr. Speaker, I include the following extraneous material for the RECORD:

FLOOR PROCEDURE IN THE 104TH CONGRESS 1ST SESSION; COMPILED BY THE RULES COMMITTEE DEMOCRATS

Bill No.	Title	Resolution No.	Process used for floor consideration	Amendments in order
H.R. 1*	Compliance	H. Res. 6	Closed	None.
H. Res. 6	Opening Day Rules Package	H. Res. 5	Closed	None.
H.R. 5*	Unfunded Mandates	H. Res. 38	Restrictive	N/A.
H.J. Res. 2*	Balanced Budget	H. Res. 44	Restrictive	2R; 4D.
H. Res. 43	Committee Hearings Scheduling	H. Res. 43 (OJ)	Restrictive	N/A.
H.R. 101	To transfer a parcel of land to the Taos Pueblo Indians of New Mexico.	H. Res. 51	Open	N/A.
H.R. 400	To provide for the exchange of lands within Gates of the Arctic National Park Preserve.	H. Res. 52	Open	N/A.
H.R. 440	To provide for the conveyance of lands to certain individuals in Butte County, California.	H. Res. 53	Open	N/A.
H.R. 2*	Line Item Veto	H. Res. 55	Open	N/A.
H.R. 665*	Victim Restitution Act of 1995	H. Res. 61	Open	N/A.
H.R. 666*	Exclusionary Rule Reform Act of 1995	H. Res. 60	Open	N/A.
H.R. 667*	Violent Criminal Incarceration Act of 1995	H. Res. 63	Restrictive	N/A.
H.R. 668*	The Criminal Alien Deportation Improvement Act	H. Res. 69	Open	N/A.
H.R. 728*	Local Government Law Enforcement Block Grants	H. Res. 79	Restrictive	N/A.
H.R. 7*	National Security Revitalization Act	H. Res. 83	Restrictive	N/A.
H.R. 729*	Death Penalty/Habeas	N/A	Restrictive	N/A.
S. 2	Senate Compliance	N/A	Closed	None.
H.R. 831	To Permanently Extend the Health Insurance Deduction for the Self-Employed.	H. Res. 88	Restrictive	1D.
H.R. 830*	The Paperwork Reduction Act	H. Res. 91	Open	N/A.
H.R. 889	Emergency Supplemental/Rescinding Certain Budget Authority	H. Res. 92	Restrictive	1D.
H.R. 450*	Regulatory Moratorium	H. Res. 93	Restrictive	N/A.
H.R. 1022*	Risk Assessment	H. Res. 96	Restrictive	N/A.
H.R. 926*	Regulatory Flexibility	H. Res. 100	Open	N/A.
H.R. 925*	Private Property Protection Act	H. Res. 101	Restrictive	1D.
H.R. 1058*	Securities Litigation Reform Act	H. Res. 105	Restrictive	1D.
H.R. 988*	The Attorney Accountability Act of 1995	H. Res. 104	Restrictive	N/A.
H.R. 956*	Product Liability and Legal Reform Act	H. Res. 109	Restrictive	8D; 7R.
H.R. 1158	Making Emergency Supplemental Appropriations and Rescissions	H. Res. 115	Restrictive	N/A.
H.J. Res. 73*	Term Limits	H. Res. 116	Restrictive	1D; 3R
H.R. 4*	Welfare Reform	H. Res. 119	Restrictive	5D; 26R.
H.R. 1271*	Family Privacy Act	H. Res. 125	Open	N/A.
H.R. 660*	Housing for Older Persons Act	H. Res. 126	Open	N/A.
H.R. 1215*	The Contract With America Tax Relief Act of 1995	H. Res. 129	Restrictive	1D.
H.R. 483	Medicare Select Extension	H. Res. 130	Restrictive	1D.
H.R. 655	Hydrogen Future Act	H. Res. 136	Open	N/A.
H.R. 1361	Coast Guard Authorization	H. Res. 139	Open	N/A.
H.R. 961	Clean Water Act	H. Res. 140	Open	N/A.
H.R. 535	Corning National Fish Hatchery Conveyance Act	H. Res. 144	Open	N/A.
H.R. 584	Conveyance of the Fairport National Fish Hatchery to the State of Iowa.	H. Res. 145	Open	N/A.
H.R. 614	Conveyance of the New London National Fish Hatchery Production Facility.	H. Res. 146	Open	N/A.
H. Con. Res. 67	Budget Resolution	H. Res. 149	Restrictive	3D; 1R.
H.R. 1561	American Overseas Interests Act of 1995	H. Res. 155	Restrictive	N/A.
H.R. 1530	National Defense Authorization Act; FY 1996	H. Res. 164	Restrictive	36R; 18D; 2 Bipartisan.
H.R. 1817	Military Construction Appropriations; FY 1996	H. Res. 167	Open	N/A.
H.R. 1854	Legislative Branch Appropriations	H. Res. 169	Restrictive	5R; 4D; 2 Bipartisan.
H.R. 1868	Foreign Operations Appropriations	H. Res. 170	Open	N/A.
H.R. 1905	Energy & Water Appropriations	H. Res. 171	Open	N/A.
H.J. Res. 79	Constitutional Amendment to Permit Congress and States to Prohibit the Physical Desecration of the American Flag.	H. Res. 173	Closed	N/A.
H.R. 1944	Recissions Bill	H. Res. 175	Restrictive	N/A.
H.R. 1868 (2nd rule)	Foreign Operations Appropriations	H. Res. 177	Restrictive	N/A.
H.R. 1977 *Rule Defeated*	Interior Appropriations	H. Res. 185	Open	N/A.
H.R. 1977	Interior Appropriations	H. Res. 187	Open	N/A.
H.R. 1976	Agriculture Appropriations	H. Res. 188	Open	N/A.
H.R. 1977 (3rd rule)	Interior Appropriations	H. Res. 189	Restrictive	N/A.
H.R. 2020	Treasury Postal Appropriations	H. Res. 190	Open	N/A.
H.J. Res. 96	Disapproving MFN for China	H. Res. 193	Restrictive	N/A.
H.R. 2002	Transportation Appropriations	H. Res. 194	Open	N/A.
H.R. 70	Exports of Alaskan North Slope Oil	H. Res. 197	Open	N/A.
H.R. 2076	Commerce, Justice Appropriations	H. Res. 198	Open	N/A.
H.R. 2099	VA/HUD Appropriations	H. Res. 201	Open	N/A.
S. 21	Termination of U.S. Arms Embargo on Bosnia	H. Res. 204	Restrictive	1D.
H.R. 2126	Defense Appropriations	H. Res. 205	Open	N/A.
H.R. 1555	Communications Act of 1995	H. Res. 207	Restrictive	2R/3D/3 Bipartisan.
H.R. 2127	Labor/HHS Appropriations Act	H. Res. 208	Open	N/A.
H.R. 1594	Economically Targeted Investments	H. Res. 215	Open	N/A.
H.R. 1655	Intelligence Authorization	H. Res. 216	Restrictive	N/A.
H.R. 1162	Deficit Reduction Lock Box	H. Res. 218	Open	N/A.
H.R. 1670	Federal Acquisition Reform Act of 1995	H. Res. 219	Open	N/A.
H.R. 1617	To Consolidate and Reform Workforce Development and Literacy Programs Act (CAREERS).	H. Res. 222	Open	N/A.
H.R. 2274	National Highway System Designation Act of 1995	H. Res. 224	Open	N/A.
H.R. 927	Cuban Liberty and Democratic Solidarity Act of 1995	H. Res. 225	Restrictive	2R/2D.
H.R. 743	The Teamwork for Employees and Managers Act of 1995	H. Res. 226	Open	N/A.
H.R. 1170	3-Judge Court for Certain Injunctions	H. Res. 227	Open	N/A.
H.R. 1601	International Space Station Authorization Act of 1995	H. Res. 228	Open	N/A.
H.J. Res. 108	Making Continuing Appropriations for FY 1996	H. Res. 230	Closed	
H.R. 2405	Omnibus Civilian Science Authorization Act of 1995	H. Res. 234	Open	N/A.
H.R. 2259	To Disapprove Certain Sentencing Guideline Amendments	H. Res. 237	Restrictive	1D.
H.R. 2425	Medicare Preservation Act	H. Res. 238	Restrictive	1D.
H.R. 2492	Legislative Branch Appropriations Bill	H. Res. 239	Restrictive	N/A.
H.R. 2491	7 Year Balanced Budget Reconciliation Social Security Earnings Test Reform.	H. Res. 245	Restrictive	1D.
H. Con. Res. 109				
H.R. 1833	Partial Birth Abortion Ban Act of 1995	H. Res. 251	Closed	N/A.
H.R. 2546	D.C. Appropriations FY 1996	H. Res. 252	Restrictive	N/A.
H.J. Res. 115	Further Continuing Appropriations for FY 1996	H. Res. 257	Closed	N/A.
H.R. 2586	Temporary Increase in the Statutory Debt Limit	H. Res. 258	Restrictive	5R.
H.R. 2539	ICC Termination	H. Res. 259	Open	
H.J. Res. 115	Further Continuing Appropriations for FY 1996	H. Res. 261	Closed	N/A.
H.R. 2586	Temporary Increase in the Statutory Limit on the Public Debt	H. Res. 262	Closed	N/A.
H. Res. 250	House Gift Rule Reform	H. Res. 268	Closed	2R.
H.R. 2564	Lobbying Disclosure Act of 1995	H. Res. 269	Open	N/A.
H.R. 2606	Prohibition on Funds for Bosnia Deployment	H. Res. 273	Restrictive	N/A.
H.R. 1788	Amtrak Reform and Privatization Act of 1995	H. Res. 289	Open	N/A.

FLOOR PROCEDURE IN THE 104TH CONGRESS 1ST SESSION; COMPILED BY THE RULES COMMITTEE DEMOCRATS—Continued

Bill No.	Title	Resolution No.	Process used for floor consideration	Amendments in order
H.R. 1350	Maritime Security Act of 1995	H. Res. 287	Open	N/A.
H.R. 2621	To Protect Federal Trust Funds	H. Res. 293	Closed	N/A.
H.R. 1745	Utah Public Lands Management Act of 1995	H. Res. 303	Open	N/A.
H. Res. 304	Providing for Debate and Consideration of Three Measures Relating to U.S. Troop Deployments in Bosnia.	N/A	Closed	1D; 2R.
H. Res. 309	Revised Budget Resolution	H. Res. 309	Closed	N/A.
H.R. 558	Texas Low-Level Radioactive Waste Disposal Compact Consent Act	H. Res. 313	Open	N/A.
H.R. 2677	The National Parks and National Wildlife Refuge Systems Freedom Act of 1995.	H. Res. 323	Closed	N/A.
		PROCEDURE IN THE 104TH CONGRESS 2D SESSION		
H.R. 1643	To authorize the extension of nondiscriminatory treatment (MFN) to the products of Bulgaria.	H. Res. 334	Closed	N/A.
H.J. Res. 134 H. Con. Res. 131	Making continuing appropriations/establishing procedures making the transmission of the continuing resolution H.J. Res. 134.	H. Res. 336	Closed	N/A.
H.R. 1358	Conveyance of National Marine Fisheries Service Laboratory at Gloucester, Massachusetts.	H. Res. 338	Closed	N/A.
H.R. 2924	Social Security Guarantee Act	H. Res. 355	Closed	N/A.
H.R. 2854	The Agricultural Market Transition Program	H. Res. 366	Restrictive	5D; 9R; 2 Bipartisan.
H.R. 994	Regulatory Sunset & Review Act of 1995	H. Res. 368	Open rule; Rule tabled	N/A.
H.R. 3021	To Guarantee the Continuing Full Investment of Social Security and Other Federal Funds in Obligations of the United States.	H. Res. 371	Closed rule	N/A.
H.R. 3019	A Further Downpayment Toward a Balanced Budget	H. Res. 372	Restrictive	2D/2R.
H.R. 2703	The Effective Death Penalty and Public Safety Act of 1996	H. Res. 380	Restrictive	6D; 7R; 4 Bipartisan.
H.R. 2202	The Immigration and National Interest Act of 1995	H. Res. 384	Restrictive	12D; 19R; 1 Bipartisan.
H.J. Res. 165	Making further continuing appropriations for FY 1996	H. Res. 386	Closed	N/A.
H.R. 125	The Gun Crime Enforcement and Second Amendment Restoration Act of 1996.	H. Res. 388	Closed	N/A.
H.R. 3136	The Contract With America Advancement Act of 1996	H. Res. 391	Closed	N/A.
H.R. 3103	The Health Coverage Availability and Affordability Act of 1996	H. Res. 392	Restrictive	N/A.
H.J. Res. 159	Tax Limitation Constitutional Amendment	H. Res. 395	Restrictive	1D.
H.R. 842	Truth in Budgeting Act	H. Res. 396	Open	N/A.
H.R. 2715	Paperwork Elimination Act of 1996	H. Res. 409	Open	N/A.
H.R. 1675	National Wildlife Refuge Improvement Act of 1995	H. Res. 410	Open	N/A.
H.J. Res. 175	Further Continuing Appropriations for FY 1996	H. Res. 411	Closed	N/A.
H.R. 2641	United States Marshals Service Improvement Act of 1996	H. Res. 418	Open	N/A.
H.R. 2149	The Ocean Shipping Reform Act	H. Res. 419	Open	N/A.
H.R. 2974	To amend the Violent Crime Control and Law Enforcement Act of 1994 to provide enhanced penalties for crimes against elderly and child victims.	H. Res. 421	Open	N/A.
H.R. 3120	To amend Title 18, United States Code, with respect to witness retaliation, witness tampering and jury tampering.	H. Res. 422	Open	N/A.
H.R. 2406	The United States Housing Act of 1996	H. Res. 426	Open	N/A.
H.R. 3322	Omnibus Civilian Science Authorization Act of 1996	H. Res. 427	Open	N/A.
H.R. 3286	The Adoption Promotion and Stability Act of 1996	H. Res. 428	Restrictive	1D; 1R.
H.R. 3230	Defense Authorization Bill FY 1997	H. Res. 430	Restrictive	41 amends; 20D; 17R; 4 bipartisan.
H.R. 3415	Repeal of the 4.3-Cent Increase in Transporation Fuel Taxes	H. Res. 436	Closed	N/A.
H.R. 3259	Intelligence Authorization Act for FY 1997	H. Res. 437	Restrictive	N/A.
H.R. 3144	The Defend America Act	H. Res. 438	Restrictive	1D.
H.R. 3448/H.R. 1227	The Small Business Job Protection Act of 1996, and The Employee Commuting Flexibility Act of 1996.	H. Res. 440	Restrictive	2R.
H.R. 3517	Military Construction Appropriations FY 1997	H. Res. 442	Open	N/A.
H.R. 3540	Foreign Operations Appropriations FY 1997	H. Res. 445	Open	N/A.
H.R. 3562	The Wisconsin Works Waiver Approval Act	H. Res. 446	Restrictive	N/A.
H.R. 2754	Shipbuilding Trade Agreement Act	H. Res. 448	Restrictive	1R.
H.R. 3603	Agriculture Appropriations FY 1997	H. Res. 451	Open	N/A.
H.R. 3610	Defense Appropriations FY 1997	H. Res. 453	Open	N/A.
H.R. 3662	Interior Appropriations FY 1997	H. Res. 455	Open	N/A.
H.R. 3666	VA/HUD Appropriations	H. Res. 456	Open	N/A.
H.R. 3675	Transportation Appropriations FY 1997	H. Res. 460	Open	N/A.
H.J. Res. 182/H.Res 461	Disapproving MFN Status for the Peoples Republic of China	H. Res. 463	Closed	N/A.
H. Con. Res. 192	Making in order a Concurrent Resolution Providing for the Adjournment of the House over the 4th of July district work period.	H. Res 465	Closed	N/A.
H.R. 3755	Labor/HHS Appropriations FY 1997	H. Res. 472	Open	N/A.
H.R. 3754	Legislative Branch Appropriations FY 1997	H. Res. 473	Restrictive	3D; 5R.

*Contract Bills, 67% restrictive; 33% open. All legislation 1st Session, 53% restrictive; 47% open. *** All legislation 2d Session, 60% restrictive; 40% open. All legislation 104th Congress, 56% restrictive; 44% open. ***** NR indicates that the legislation being considered by the House for amendment has circumvented standard procedure and was never reported from any House committee. PQ Indicates that previous question was ordered on the resolution. Restrictive rules are those which limit the number of amendments which can be offered, and include so-called modified open and modified closed rules as well as completely closed rules and rules providing for consideration in the House as opposed to the Committee of the Whole. This definition of restrictive rule is taken from the Republican chart of resolutions reported from the Rules Committee in the 103d Congress. N/A means not available.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Mississippi [Mr. TAYLOR].

Mr. TAYLOR of Mississippi. Mr. Speaker, I again thank the gentleman for yielding me this time.

Mr. Speaker, the people of this body are going to have two chances to vote on Medicare subvention. Again, 270 Members, including the chairman of the Committee on Rules, who is not here on the floor unfortunately, are sponsors of this measure. The chairman of the Committee on Appropriations, the gentleman from Louisiana [Mr. LIVINGSTON]; the chairman of the Committee on National Security, the gentleman from South Carolina [Mr. SPENCE]; the chairman of the Committee on Veterans' Affairs, the gentleman from Arizona [Mr. STUMP]; and the ranking Democrats who serve on those committees are cosponsors of this measure.

□ 1730

It is the right thing. They are the only people in America who were promised health care and the only people in America who are being denied the health care they deserve.

We have a chance to fix that. Two hundred fifty-seven Members of this body, including most recently 258, because the gentleman from Minnesota [Mr. PETERSON] has signed on, have said this is something that this Nation ought to do. It is a promise that ought to be kept.

Mr. Speaker, we should defeat the rule and make this in order. If it is not, then I am going to take the words of the gentlewoman from Ohio [Mr. PRYCE], who is a cosponsor of this measure, to task and see if it is truly an open rule, and we will offer it as an amendment so that the Members of this body will have the chance to do the right thing for our Nation's military retirees; to prove that we are putting right over procedure and we are going to keep our promises to the military retirees of this country.

Mr. GOSS. Mr. Speaker, I would say to the gentleman from Texas [Mr. FROST], we had one member of the Committee on Rules come in unexpectedly. I would ask if I may deviate to recognize the gentlewoman from Utah, Ms. ENID GREENE. It will be a short statement.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from Utah [Ms. GREENE].

Ms. GREENE of Utah. Mr. Speaker, I rise in support of the rule. It is an open rule that will provide thorough consideration of the issues by allowing amendments to be offered on the floor.

Mr. Speaker, I think it is important that we note that for too many years Washington has spent tax dollars and created bloated bureaucracies to show that we care. Nowhere is this more apparent than when we look at what Washington has done to our education system.

Today, we have 760 federally run education programs administered by a jumble of 39 separate Federal departments, agencies, boards, and commissions at a cost of $120 billion to the American taxpayers.

But, Mr. Chairman, for all those programs and all that money, student academic performance in this country has not improved in the last 20 years. In fact, we have seen a steady decline in student performance as parents and local communities have less control over their children's educations.

SAT scores have dropped from a total average of 937 in 1972 to 902 in 1994; 66 percent of our 17-year-olds do not read at a proficient level; reading scores are down, science scores are down, and United States students score worse in math than all major countries except Spain.

Now, there is no doubt that many of these programs are well intentioned, but good intentions are not good enough when dealing with our children's education. Clearly, the Washington education bureaucracy simply has not accomplished what needs to be accomplished for our children and there may be no better example of how using spending as the chief or only measurement of creating educational excellence has failed this Nation and our children than my own State of Utah.

Mr. Speaker, my State of Utah ranks last in the 50 States in per-pupil spending in the Nation, yet it ranks second in the Nation in the number of high school graduates, first in the Nation for the number of residents who have attended college, and the scores of Utah students taking the ACT test in 1995 rose in every subject and were higher than the national ACT group in every area.

As the President said in his State of the Union Address, ''The era of big government is over,'' and it is time to empower our State and local communities to pick up where Washington needs to jump off.

Let me stress, Mr. Speaker, this bill does not gut education programs. This bill freezes spending at last year's level for the title I program for disadvantaged students as well as for the Safe and Drug-Free Schools Program. Spending for the Head Start Program is increased by $31 million above the 1996 level, and Pell grants are increased to a maximum of $2,500, up from $2,470 just last year.

Mr. Speaker, with all the helping the Federal Government has been doing over the last 30 or 40 years, is it not time to explore other ways of giving our children the first-rate education they need and deserve?

Mr. Chairman, I urge my colleagues to support the rule and the bill.

Mr. FROST. Mr. Speaker, we have no remaining speakers, and I yield back the balance of my time.

Mr. GOSS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to first of all point out that already we seem to somehow get away from preciseness in the use of words. I heard ''cuts in the Head Start Program.'' There are no cuts in the Head Start Program. As the charts will show and as the debate will show as we go into the 2 hours of general debate and the individual open rule amendments, I am sure we are going to see the charts are going to be displayed that in fact there are increases in programs like Head Start; good programs that deserve increases.

We have before us a situation where we have many programs that are nice to have, that are funded by the Federal Government. And we have many programs that are, I guess we should say that we need to have, that are funded by the Federal Government for people who have true serious needs and no other place to turn.

And I think it is important to try and make the distinctions between ''nice to have,'' and ''need to have'' programs because sometimes we forget here that all of the moneys from these programs do not come from Washington, they come from us, the people, the taxpayers, from back home. And if we do a pretty good job of what we do back home and we do not have to send the money to Washington, it seems to me we are better off.

So I think when we talk about ''need to have'' programs, the taxpayers understand a little bit; and when we talk about ''nice to have'' programs, they are a little less willing to send their hard-earned dollars to Washington.

I would also point out that some of the people who are working the hardest for the ''need to have'' programs are the people who can least afford those tax dollars, and I would point out that this majority is trying to relieve them of some of their tax burdens as well.

What this boils down a little bit to is restraint. And I think that it is very important that we continue to exercise the restraint that we have started on in this Congress toward a balanced budget in the next 7 years. I am going to read just briefly from the administration's statement on this bill that they, apparently the senior advisors to the President, have threatened to veto. And I am going to take just one of the statements, this one has to do with the Department of Education and student loan programs and here is the statement I am quoting.

And it says, ''As with the fiscal year 1996 appropriation bill, the administration continues to oppose any cap on direct lending.''

Now, that is a debatable point, but it seems to me there is not much restraint if you are not going to oppose any cap on direct spending. That means the sky is the limit. How does this match up against other priorities and other needs? Those are the kinds of concerns that I am very concerned about.

I go on through the administration's statement and there are five pages of the sky-is-going-to-fall type statements in here. Then we come to some of the issues that I think Americans need to know. This is the type of thing that the administration is saying. And again, I wonder how many parents in America are going to think this is money well spent.

I am quoting from the administration's statement that is saying that ''by providing no funding for the $30 million teen pregnancy prevention initiative, the committee would stall the development of critical knowledge about how to prevent teen pregnancy.''

Now, I can tell you there is probably a bunch of teenagers running around out there that could tell me a thing or two about how to stop teen pregnancy right now. And I daresay that most of us understand how you get pregnant, whether you are a teenager or not. And I wonder whether or not the sky is really going to fall if we do not spend this $30 million that the President's administration says we have got to spend.

I think it is very important that we have good, informed people about all the consequences of their actions, whatever their actions and behaviors may be. But I think to say that we are going to lose the world with teen pregnancy because we do not spend $30 million on critical knowledge about how you get pregnant is stretching the point just a bit. And I would suggest that many American taxpayers are going to say that that is $30 million that might be well spent in other programs that will be better used to prevent teen pregnancy.

I take a look at the total difference. It is about $5.5 billion of what the President asked, which is virtually everything that was put on the plate, because the President is in the position of being the candy store proprietor in this budget process. He can come into the candy store and say, Look, help yourself we have all of these things. Somebody has to be responsible and say yes, there are all of these wonderful opportunities, but we have to pay for these things and somebody has to pay for them and that is of course the taxpayer, and besides if we consume too much candy, we will get a tummy ache or worse.

We are in a position right now of being the people who are the responsible party in the candy store and saying we have to exercise some restraint both for price and behavioral reasons about how we go about doing things, and that is what this 2 hours of general debate and these amendments are going to lead to: legitimate differences of opinion about what is nice to have and what is need to have in this area.

And finally, Mr. Speaker, with regard to the proposal to defeat the rule, I think that would be a very short-sighted action at this point. We should

support the rule, and we should vote ''yes'' on the previous question for a very simple reasons. We have an appropriations bill here that has got billions and billions of dollars that are necessary for many critical programs, as we have said.

I think that the gentleman from Mississippi has made a very eloquent statement about an amendment that he feels very strongly about, and I frankly think it is a good amendment and I wish it could have been made in order, but we have rules in the House and his amendment is not germane. And we all know it.

The gentleman's amendment was voted on in the Committee on Rules and it was voted down in the Committee on Rules because it is not germane. It is legislating on an appropriations bill. We do not legislate on an appropriations bill unless we follow a protocol. The protocol is well-known. The protocol is you have to get a letter of no objection from the authorizing committees, and we have suggested that to the gentleman from Mississippi. He has a remedy to take. And I would urge him to do it because I think he has a good piece of legislation, with a significant number of cosponsors, which will do well on its own merits properly brought forward to the House vehicle. This is not the proper vehicle, and he is asking us to violate our rules and protocol if we are going to try to defeat the previous question.

So I would say we should vote ''yes'' on the previous question, and we should vote ''yes'' on the rule.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore (Mr. LINDER). The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FROST. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 5 of rule XV, the Chair will reduce to a minimum of 5 minutes the period of time with in which a vote by electronic device, if ordered will be taken on the question of agreeing to the resolution.

The vote was taken by electronic device, and there were—yeas 218, nays 202, not voting 13, as follows:

[Roll No. 299]

YEAS—218

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Barton
Bass
Bateman
Beilenson
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Ehlers
Ehrlich
English
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greene (UT)
Greenwood
Gunderson
Gutknecht
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Heineman
Herger
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Lucas
Manzullo
Martini
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Petri
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Tiahrt
Upton
Vucanovich
Walker
Walsh
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Zeliff
Zimmer

NAYS—202

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Bereuter
Berman
Bevill
Bishop
Blumenauer
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Duncan
Durbin
Edwards
Engel
Ensign
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Frank (MA)
Frost
Funderburk
Furse
Gejdenson
Gephardt
Geren
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hefley
Hefner
Hilleary
Hilliard
Hinchey
Holden
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Jones
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Rahall
Rangel
Reed
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Smith (WA)
Spratt
Stenholm
Stokes
Studds
Stupak
Tanner
Tate
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Velazquez
Vento
Visclosky
Volkmer
Wamp
Ward
Waters
Waxman
Williams
Wilson
Wise
Woolsey
Wynn

NOT VOTING—13

Bartlett
Dunn
Ford
Gibbons
Hayes
Lantos
Lincoln
Longley
McDade
Stark
Watt (NC)
Yates
Young (FL)

□ 1803

Messrs. OWENS, RANGEL, HILLEARY, Miss COLLINS of Michigan, and Mr. TATE changed their vote from ''yea'' to ''nay.''

Messrs. WATTS of Oklahoma, HERGER, SOLOMON, SMITH of Texas, RIGGS, Mrs. CHENOWETH, Mrs. MEYERS of Kansas, and Messrs. MCINTOSH, SMITH of New Jersey, DORNAN, SAXTON, SCARBOROUGH, MOORHEAD, and BEILENSON changed their vote from ''nay'' to ''yea.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. (Mr. HUTCHINSON). The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to House Resolution 472 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3755.

□ 1805

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3755) making appropriations for the Department of Labor, Health, and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1997, and for other purposes, with Mr. WALKER in the Chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Illinois [Mr. PORTER] and the gentleman from Wisconsin [Mr. OBEY] each will control 1 hour.

The Chair recognizes the gentleman from Illinois [Mr. PORTER].

(By unanimous consent, Mr. PORTER was allowed to speak out of order.)

LEGISLATIVE PROGRAM

Mr. PORTER. Mr. Chairman, I take this time simply for the purpose of explaining to Members what the schedule will be for the remainder of this evening.

The vote that was just taken is the last recorded vote, as I understand it. We will have the 2 hours of debate on the bill according to the rule, 1 hour on each side, and we will then proceed to amendments under title I, the Department of Labor, and will complete that title this evening with votes, if any, to be rolled over to tomorrow, and we will designate title II also.

The CHAIRMAN. The Chair now recognizes the gentleman from Illinois [Mr. PORTER] for 1 hour.

Mr. PORTER. Mr. Chairman, I yield myself such time as I may consume.

□ 1815

Mr. PORTER. Mr. Chairman, let me begin by first thanking the chairman of the full Committee on Appropriations for the extremely helpful role he has played in working the bill through the subcommittee mark and the full committee. Obviously he has, I think, one of the toughest of all jobs in the House. He does it splendidly, and we are all greatly in his debt.

I also want to thank each of the members of my subcommittee who worked so hard, especially the gentleman from Wisconsin [Mr. OBEY], the ranking member, for his contribution to the bill, and for all of their participation in the very difficult process that we have gone through in marking up and reporting the bill. It has not been easy for any of us.

Finally I want to thank our staff. The staff of the full Committee on Appropriations have been extremely helpful to all of us. We hope to have all of the bills, including this bill, out by the time we enter the August break. This will be an accomplishment that is a testimony to the leadership of the chairman, the gentleman from Louisiana [Mr. LIVINGSTON], and to the very, very fine work on a very experienced and expert staff, and all of us thank them very much.

I also want to thank my staff, Tony McCann, the Clerk, Bob Knisely, Sue Quantius, Mike Myers, Joanne Orndorff, and Lauren James. Lauren is on detail to the committee from the Department of Education, and she has been invaluable to our subcommittee all year long.

I also want to thank Mark Mioduski and Cheryl Smith of the minority staff for their excellent cooperation and the courtesy that they have extended to each one of us.

Mr. Chairman, this bill includes a recommendation of $65.7 billion for the discretionary accounts within our jurisdiction. This level is within our 602(b) allocation and is about on the same level as the level for fiscal year 1996.

Mr. Chairman, the bill sets priorities. It terminates funding for 39 programs funded last year at just over $1 billion. These programs are characterized, with few exceptions, as being small, expensive to operate, and in most cases having little evidence of effectiveness.

Mr. Chairman, at NIH we have taken the position that funding should be allocated according to the judgment of science as to where the best opportunities lie, and not according to the political fiat of Congress. We also have continued our effort to avoid earmarks in the bill. In NIH once again we removed all disease-specific earmarks and provided no specific AIDS earmarks. The distribution for AIDS funding as determined by NIH is at $1.498 billion across all institutes and divisions of the agency. This is a determination, again, made by science and not by politics.

Mr. Chairman, I have sat here listening to the debate on the rule and listening to the people on the minority side talk about all of the terrible things that are happening to education and job training. Mr. Chairman, I want people to understand exactly what they are talking about. The subcommittee's allocation is about level with last year, and most provisions of the bill are level-funded. There are no huge cuts anywhere in education.

When the minority discusses cuts, they mean cuts from the level of funding recommended by the President in his budget. It is clear, Mr. Chairman, that the President's budget was a purely political document giving huge increases, that could not be afforded, to every interest group in America. The President took no responsibility for getting our fiscal house in order. We have to take that responsibility and we take it seriously. We have carried out our responsibility in this bill.

Let me talk about what we have done on the increase side. Job Corps operations is a program aimed to help the most at-risk youth in our society. It removes them from their current environment to one where they can get real job training, a chance for a working life and career in our society. Job Corps is increased by $92 million.

The subcommittee added $54 million for the Ryan White AIDS Program. Again, the committee has attempted to protect and support programs that impact the most vulnerable of our citizens. These are important dollars to be spent for people suffering from a very, very horrible disease, and we have provided an increase for Ryan White.

Summer youth is level-funded at $625. I heard the gentlewoman from Texas saying what big cuts there were in the program. There are no cuts. It is level-funded.

An additional $8 million is provided for the Violence Against Women Act. Mr. Chairman, I am a strong supporter of this program, which provides support and protection for battered women, rape victims, and victims of other forms of violence. We have provided an increase for this series of programs.

The bill provides $900 million in new funding for the Low-Income Heating and Energy Assistance program, and with other emergency funding and funding that was available from previous appropriations, a total of $1.32 billion is available for the LIHEAP program.

NIH research is increased by 6.5 percent.

The preventive health, maternal and child health, social services, and child care block grants are all increased, consistent with the subcommittee's policy of increasing funding for programs that increase local discretion. Again, these programs cannot be seen in isolation from the individuals they serve: poor women, young children, and the most vulnerable in our society-all which have a high priority in the bill.

The community services block grant, which is an extremely flexible program that can support many social services programs, including nutrition, energy assistance, employment, and crisis services, is increased by $100 million, from approximately $390 to $490 million.

Innovative education program strategies is more than doubled, to $609 million, by terminating several categorical programs to increase funding for this broad block grant.

The Centers for Disease Control and Prevention, the premier agency in the world in the search for the causes and treatment of a broad range of diseases, is increased by $75 million, to $2.2 billion; $82 million dollars is provided for infectious disease control, $135 million is provided for breast and cervical cancer screening, and other health promotion and disease prevention programs are also increased.

Mr. Chairman, health professions training funding is increased by $34 million. Family planning is maintained at last year's level of $192 million; $802 million is provided for community and migrant health centers, and other health service programs are increased as well. Again, Mr. Chairman, these are programs that serve the poor, the disadvantaged, and the most vulnerable in our society and they are given high priority in our bill.

Head Start funding is increased to $3.6 billion. Again, this is a program aimed directly at the poorest, most vulnerable children, and while not without its faults in some of its applications, is a high priority in this bill. TRIO is increased by $37 million, an 8 percent increase. Pell grants, and I heard the gentlewoman say we were cutting Pell grants, the gentlewoman from Connecticut earlier, Pell grants maximums are again increased, this year by $30, to $2,500. Federal work-study grants are up over 10 percent, to $685 million.

Mr. Chairman, it is here that I have the greatest difficulty of understanding the criticisms of my friends across the aisle. We have increased these student financial aid programs this year, and many of them were increased or frozen last year, yet there is still the drumbeat that the majority is cutting post-secondary education. We are not. Funds for college education, post-secondary education, are increasing.

The bill also continues our efforts at reform. As I mentioned, the bill terminates 39 mostly small, ineffective programs. Goals 2000, however, is also terminated. The bill consolidates the Eisenhower Professional Development Program with the innovative State grant program that will allow the States and localities to spend Federal education funding as they see fit, to meet locally defined needs and programs.

Finally, Mr. Chairman, the bill continues many of the legislative provisions that were included in the Omnibus Consolidated Appropriations and Rescissions Act of 1996. Among those included are provisions prohibiting the issuance of regulations by the NLRB related to single-site bargaining, provisions that have been carried in the bill for several years prohibiting the use of funds for abortions—the current Hyde language—provisions that limit the use of funds for the creation of human embryos for research and the use of embryos in research.

In addition, the subcommittee included several additional legislative provisions. Language is included strengthening the current language regarding OSHA ergonomic standards. The recommended language would prohibit the development or issuance of standards or guidelines and the collection of data with respect to repetitive motion injuries. Language is also included that would raise the minimum jurisdiction of the National Labor Relations Board. The increase would return the minimum jurisdiction to the inflation-adjusted level it originally was set at in 1950. Finally, Mr. Chairman, language is included that prohibits the use of CDC funds for the advocacy of gun control.

Mr. Chairman, we are about to hear a great deal of discussion from our friends on the other side of the aisle on their belief, and the President's, that we need to spend more money on these and other programs. In the end, however, we are going to have to be responsible. In the end, every dollar we spend above current amounts in the bill are borrowed and must be repaid by our children, who have, after all, no vote and whose futures we are mortgaging if we spend beyond our means.

This is a responsible bill, Mr. Chairman. It reflects the priorities for education and health and job training and the protection of the most vulnerable in our society, and I commend it to the Members. I believe it is a fair, responsible bill and does the job for the American people.

I would like to clarify the intent of language included in the section of House Report 104–659 relating to the buildings and facilities account within the National Institutes of Health. The report indicates that the committee expects that the detailed construction documents for the clinical center be reviewed by an outside party acceptable to both NIH and Congress. This outside party could be a single entity or a panel of experts drawn from various institutions. Such a review would take place at the design development stage of the project. The review should focus on a thorough examination of program and cost estimates, but need not involve review of detailed construction documents.

Mr. Chairman, I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, this bill, I think, defines in a major way the differences in priorities between the two political parties in this House. For years we have had a decline in the school-age population in this country. It has been going down for a number of years. But the fact is that we are now experiencing a steady increase in school enrollment in this country, and, in fact, next year there will be more students enrolled in local school districts than at any time in the country's history.

We would simply ask the question on this side of the aisle: Why should we be cutting per pupil expenditures for those students at a time when we are experiencing an increase in student enrollment?

If we take a look at what is happening to per pupil expenditures and look at it in real dollar terms, we will see that per pupil expenditures at the Federal level are declining from $287 per student to $222 by the end of the sixth year of the Republican budget which just went through this House several months ago, and this bill is the first year's step in that budget process.

Last year the Republican majority in this House tried to cut $7 billion out of this bill. The public rebelled. After the public rebelled at those reductions last year, we were able, in conference with the Senate, to restore about 90 percent of the education cuts which had been made by House Republicans in this bill last year.

This year's bill has a more stealthy plan to make those same reductions. On the surface, it appears to be pretty much a stand-pat budget but, in reality, there is a $500 million reduction in Department of Education programs, and over the next 6 years, we would wind up with a reduction of some $35 billion below current services, and we would wind up with cuts of about $57 billion below the President's requests.

□ 1830

That is a 20 percent cut in real deliverable program levels by 2002. We simply on this side of the aisle do not think that that is in the interest of the country. We do not think that that will help the economy grow. We believe that these reductions come at the worst possible time for local schools. Schools face sharp competition for resources from State and local sources. This budget squeeze at the State and local level comes at the same time that Federal education aid dollars are declining in real terms while school enrollment, as I just indicated, is rising. That creates a double-jeopardy situation which we think is unhealthy.

This bill begins the process under which this year up to 15,000 Head Start kids will be squeezed out of the program under this bill. Over 150,000 title I children will lose title I services that help them to read and to master science and math. The President's budget would have supported nearly 450,000 additional title I students. By the end of the Republican 6-year budget plan, more than 1 million kids will not be receiving the reading and math help they need under the title I program. Under Goals 2000, which is the program that was begun under President Bush, supported by then Governor Clinton, under that Goals 2000 program which would help 8,500 local schools raise math and science standards so that kids can compete globally, that program would be terminated in this bill. That results in 2 billion fewer dollars provided for school improvement between now and 2002. Nearly 340,000 math and science teachers will lose the training that they need to upgrade their skills because the bill eliminates the Eisenhower Teacher Training Program. Over 300,000 students will lose vocational education and training opportunities in just this year alone under the bill. There will be 14,000 kids who lose bilingual education opportunities. Two hundred twenty thousands students who receive Perkins loans and grants under the State-assisted student incentive program will no longer be able to get the help they need to attend college. There are 107,000 fewer college kids who will receive Pell grant programs compared to the President's budget. Seventy-nine thousand fewer summer youth jobs will be provided under this proposal. Dislocated worker assistance will be provided to 32,000 fewer workers than last year.

This is the bill that is supposed to help children and workers get ahead in life. Yet this bill puts us on the road to a systematic disinvestment in education and puts roadblocks in the way of those workers and those children.

I would point out that there has been a lot of talk through the past years about how sound Social Security and Medicare will be in the next century. Raising the wages and the earning power of the American workforce is crucial to being able to strengthen those funds, because you need to strengthen the income people have so that they can increase their payments into those funds. This is the bill that most directly impacts our obligation to give kids from working families a

chance to make something of themselves and it is being short-sheeted in my view.

In addition to the education problem, we have added over 2 million seniors in the last 5 years to our population. Yet this bill continues the downward trend of the 1996 Appropriation Act by again cutting funds for the Administration on Aging.

For worker protection, the House bill cuts worker protection programs by 13 percent below the President's request and 9 percent below what is needed to simply maintain last year's level of operations. That means cuts in our ability to help guarantee workplace health and safety, pension protection, and immigration reform.

The bill also cuts funding for the NLRB by 15 percent below last year's level and 20 percent below the President's request. We do not think that is wise. In addition, it contains a number of riders which we do not believe make much sense.

Low Income Heating Assistance Program, a program which I started with Senator Muskie a long time ago, that Low Income Energy Assistance Program is crucial to help seniors and vulnerable individuals pay their home heating bills. I come from a part of the country where you get 40 below zero weather, and I am not talking about chill factor, I am talking about real term temperature cold. In 1996 the Low Income Heating Assistance Program was slashed by $419 million. This bill provides $100 million less than the President requested and it appropriates not one dime for fiscal 1998 for that program.

I would simply point out that from 1981 to 1994, the low-income population eligible for LIHEAP has grown by 10 million people. Yet the percentage of eligible households served by it has dropped from 36 to 21 percent and the percentage of assistance on their fuel bills which people get from the Federal Government has declined from 23 percent to 12 percent in 1994 and it will go down even more.

So for this and a variety of reasons, I would simply say that we on the minority side feel that this bill is not adequate to the challenge facing the country and I regretfully intend to vote ''no'' when the bill reaches its final passage stage.

Mr. Chairman, I reserve the balance of my time.

Mr. PORTER. Mr. Chairman, I yield 3 minutes to the gentlewoman from California [Mrs. SEASTRAND].

Mrs. SEASTRAND. Mr. Chairman, as a former fourth grade school teacher and the mother of two, I understand the importance of education to the health and vitality of our Nation. We who are in positions of authority have a solemn responsibility to formulate policies that will provide all children with access to quality education.

Mr. Chairman, 66 percent of 17-year-olds do not read at a proficient level, and 30 percent of all children entering college have to take remedial education classes. These sorry statistics are the unfortunate result of several factors, the most important of which is the unrestrained growth of the Federal education bureaucracy.

Only about 6 percent of all education spending in the United States comes from Federal sources, yet one study found that it accounted for over 50 percent of all the paperwork for local school districts. We need more teachers, we need better teachers in the classrooms with the students, not more bureaucrats buried under mountains of paper.

This Congress has trimmed the fat from the education budget but it has not cut vital and effective programs. Both Pell grants and the work-study program reach an all-time high under the Republican budget this year. These programs are proven successes and should be preserved.

Yet out of a Federal education monolith consisting of 760 programs and costing $120 billion a year, there is much that must be reformed. Of these programs, only 3.6 percent are science-related, only 1.8 percent are reading-related, and only 1.1 percent are math-related. Mr. Chairman, our limited Federal resources are being squandered.

Washington, DC is not the place to look for education policy. We need to look at the local school districts, the teachers, the parents, the local committees, and families that must be allowed to educate children without interference from the Federal bureaucracy.

What works for New York State may not work for the children of the central coast of California, where I come from. I say, give those who know education best the ability to make policy that works for the folks at home, for their own communities, their own children. We in Washington, DC should offer support but get out of the way. Our children deserve better.

Mr. OBEY. Mr. Chairman, I yield 11½ minutes to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. I thank the gentleman for yielding me the time.

Mr. Chairman, I want to rise to make an observation with respect to what is happening in the Congress and in the United States of America regarding how we spend our money and how we make decisions on spending our money.

The chart to my right shows that in 1962, 70 percent of the Federal budget was so-called discretionary spending. Discretionary spending is decisions that we make about where we want to invest our money to make our country stronger and more viable as a Nation, to make people more secure and more able to compete. That has now dropped down to less than 36 percent.

Half of that is for our national defense. I am one of those Democrats that supports the national defense, and I have done so since 1981 when I first came here. We added $12 billion to defense this year when it passed this House. Why did we do so? We did so on the premise that to freeze defense was in fact a cut. In fact, I think that rationale was correct. But I am not so sure why that rationale does not apply to the defense of this Nation as it relates to the education of our children and the security of our families.

In 1983, the Department of Education issued a report. It was a stark and compelling report, and it was entitled ''A Nation At Risk.''

What did it say? I am quoting from that report, issued under the imprimatur of Secretary Terrence Bell, who recently passed away. He was a fine Secretary of Education, a member of the Reagan Cabinet. The report said this:

> If an unfriendly foreign power had attempted to impose on America the mediocre educational performance that exists today, we might well have viewed it as an act of war. As it stands, we have allowed this to happen to ourselves. We have dismantled essential support systems which helped make these gains possible. We have in effect been committing an act of unthinking unilateral educational disarmament.

Mr. Chairman, I will oppose this bill because it sounds retreat, and America ought not to retreat. In a time when we need to have families first in our focus, at a time when we need to strengthen education and strengthen children, sounding the bugle of retreat is not a proper policy.

We will have a very substantial increase in the numbers of children going to our schools over the next 6 years. Next year, in fact, we will have more children in school than in any year in our history.

What does that mean? That means there will be a greater burden on local and State governments. As the previous speaker said, the Federal Government contributes only 6 percent of the educational resources available to our families and to educate our children. But that 6 percent is a critical part. In fact, it is the part which deals with some of the most vulnerable children in America, those who have economic, cultural, and educational deprivations in their families, and who therefore start out behind the others with whom they will go to school.

This chart shows that we are going to have 3.4 million more children entering school from 1997 to 2002. It also shows that the Republican budget's freeze at $14.4 billion for elementary and secondary education is essentially a retreat, because it will effectively be, in 2002, $12 billion in real dollars, in resources available. In an atmosphere where the need is growing, our investment is decreasing.

□ 1845

That does not make sense for our families or for our children. I said that the numbers of children were increasing, and I showed Members on the chart where the budget goes from $14.4 billion to approximately $12 billion in real terms by 2002. Now, that is when we will be experiencing an addition of 3.4 million new young people in our school system.

Those children do not disappear. Those children will not have another chance at being 3 or 4 or 5 years old. This is not something that we can catch up on tomorrow, when perhaps, as George Bush says, our wallet will match our will. I believe that we ought to have the will, and I clearly believe we have the wallet. As a matter of fact, as a Democrat for a balanced budget, I voted for the coalition budget. The coalition budget, in fact, balanced the budget, cut more spending than the Republican or the President's alternative, and provided an additional $47 billion for education. How did it do that? Because we did not pretend that we could cut taxes, balance the budget, and make sure that families were secure in the knowledge that their children would receive the kinds of education that they need.

Under the President's budget, there would have been $7.05 billion for title I. Title I is for economically deprived children who need some additional help to be competitive, so that they can join our workforce in competing with an increasingly able workforce around the world. A freeze in real terms would serve 6.8 million children in 2002. The chairman suggests a freeze in 1997 but in point of fact, that policy will result in an actual decrease to 5.8 million children who will be served in 2002. This is opposed to the President's budget, which will serve 6.8 million children. That is 1 million American children that will have no seats for title I assistance in the schools of our Nation because of this Republican budget. I believe that policy is inconsistent with our desire to compete in the global marketplace, with our desire to pledge to families that they can be secure in the knowledge that their children will have the kind of education, Head Start, and title I assistance that they need.

Now, I want to tell my friends in the House that my children have had great advantages. Their father and their mother earn substantial incomes. Their father and their mother had the advantages of higher education. But let me tell Members something that all of us, I am sure, know, and that every family in America knows: Our children will be affected by the ability to participate and contribute of every other child in their generation. Therefore, I say to my friends that this budget, which calls us to retreat, is a budget we ought to reject.

I talked about title I. Today in America, in a program that President Reagan, President Bush, and President Clinton supported and funded, we serve 53 percent of the children who are eligible. That means we do not serve 47 percent. I think that is a problem. I think what we ought to do is increase the percentage that we serve. Why? Because it makes us more competitive and makes us a more viable society.

But this Republican budget, as I said, sounds retreat and moves from 53 percent of children served today by title I to 42 percent of the children served in 2002. That extrapolates into those 1 million children that I told Members about. Those are real children from real families in a country that, increasingly in a global marketplace, knows that it has got to have better skills for its children.

This next chart shows in very specific terms what will happen in the cities and towns of America. Let me give some examples. In Dallas, TX, a freeze in title I as proposed by the chairman will mean 29 teachers lose their jobs and 726 students lose help next year. S. 726 students next year in Dallas, TX, as a result of this bill will not get the kind of help that they need. The Miami-Dade area will lost 40 teachers and 1,011 students next year. It will lost 255 teachers and 6,386 students over the next 5 years.

Ladies and gentlemen of the House, in order to stay even, just this year, we would have to add $2.6 billion to this bill for education.

Now, recall with me my opening statement that we added $12 billion to the defense bill so that we could stay even and remain the strongest Nation on the face of the earth. My Republican colleagues pointed out that if we did not have that additional $12 billion, if we froze funding at last year's level, that we would in fact be putting at risk the Nation by underfunding our defense. Ladies and gentlemen of the House, let us not underfund the defense of America by underfunding the children, the education of America. I urge a ''no'' vote on this appropriation bill.

Mr. PORTER. Mr. Chairman, I yield 3 minutes to the gentleman from Florida [Mr. MILLER], a very able member of our subcommittee.

Mr. MILLER of Florida. Mr. Chairman, the previous speaker tried to scare us about what is happening in education, and I just want to set the record straight. First of all, the Federal Government only pays 5 percent of the total amount of money in elementary and secondary education. Ninety-five percent of the money comes from State and local governments, and that is where the responsibility belongs, with the family and State and local governments.

He talks about title 1. Where are the cuts? Title I has increased 40 percent in the last 7 years, and it is flat funded for this year. There is no cut. The amount of money going for title I stays at $6.7 billion.

I rise in strong support of this bill, and I want to talk about something other than the area of education right now, and I want to talk about something that is very, very important, and that is the area of biomedical research.

Biomedical research is a fundamental priority that can dramatically improve and change the lives of individual Americans. Therefore, for the second year in a row, we have significantly increased funding at the National Institutes for Health and for the Centers for Disease Control. Another reason, by the way, I am supporting this bill very strongly is we want to eliminate wasteful and duplicative spending programs, and this bill eliminates 39 programs in addition to the 109 programs we eliminated last year. So I support this program because what it is, we set Federal priorities. We take a hard look at those functions of the Federal Government and decide what they can do and the responsibility of the Federal Government should do. We identify those crucial programs and increase the funding for those that are the most important, and we decrease funding for wasteful or nonessential bureaucracy.

The National Institutes for Health is a perfect example since it represents a true Federal responsibility. By providing over a 6-percent increase, we are continuing our commitment to ensure the health and welfare of our citizens. Under the leadership of Chairman PORTER, we have committed to building a new clinical research center, and this had broad bipartisan support.

The Human Genome Project, which is literally mapping the entire human DNA, is moving forward ahead of schedule. Funding for AIDS research is once again increased. We have seen hopeful breakthroughs at NIH for the treatment this disease, and the Republican plan continues to provide the resources needed to find a treatment and cure.

We should support the National Institutes for Health because it is truly one of the great institutions of the entire world. Dozens and dozens of Americans have been awarded the Nobel Prize with help from NIH research grants. Some of the most important medical discoveries of the 20th century have occurred at the NIH campus or through NIH grants to the Universities in this country.

America has created the finest medical research facility in the world, and this bill ensures that it will remain a true force for the improvement of our health and well-being as a society.

Another great institution is the Centers for Disease Control in Atlanta. It reaches across the entire country and entire globe. This bill increases funding for several CDC prevention programs. We increase funding for breast and cervical cancer screening, chronic and environmental disease prevention, infectious disease, AIDS education and prevention, lead poisoning prevention, and the preventive health services block grant. CDC is an example of an activity the Federal Government is uniquely qualified to accomplish. We have increased funding in 1996 and again in 1997.

This is a good bill. I urge my colleagues to support this bill.

Mr. PORTER. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LIVINGSTON) having assumed the chair, Mr. WALKER, Chairman of the Committee of the Whole House on the State of the

Union, reported that that Committee, having had under consideration the bill (H.R. 3755) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1997, and for other purposes, had come to no resolution thereon.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3396, DEFENSE OF MARRIAGE ACT

Mr. MCINNIS, from the Committee on Rules, submitted a privileged report (Rept. No. 104–666) on the resolution (H. Res. 474) providing for consideration of the bill (H.R. 3396) to define and protect the institution of marriage, which was referred to the House Calendar and ordered to be printed.

GENERAL LEAVE

Mr. PORTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3755 and include extraneous and tabular material and charts.

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

There was no objection.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1997

The SPEAKER pro tempore. Pursuant to House Resolution 472 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 3755.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 3755) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1997, and for other purposes, with Mr. WALKER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the gentleman from Illinois [Mr. PORTER] has 43 minutes remaining, and the gentleman from Wisconsin [Mr. OBEY] has 39½ minutes remaining.

The Chair recognizes the gentleman from Illinois [Mr. PORTER].

Mr. PORTER. Mr. Chairman, I yield 8 minutes to the gentleman from Louisiana [Mr. LIVINGSTON], the chairman of the Committee on Appropriations.

(Mr. LIVINGSTON asked and was given permission to revise and extend his remarks.)

Mr. LIVINGSTON. Mr. Chairman, I would call the attention of the Members to the charts beside me. First, a chart depicting the expenditures of the U.S. Government in 1962, Jack Kennedy's heyday, when the Federal Government in that fiscal year spent $106.8 billion with a very minor deficit. The deficit today runs around $150 billion.

It was a different day, a different era. Half of that was defense, which is depicted in the lower yellow portion of the pie, and roughly one-sixth of the budget, a little bit more than one-sixth, is the nondefense discretionary portion, which includes the programs funded in this bill.

□ 1900

The blue portion refers to the entitlements, which at that time consisted of Social Security and welfare and various other mandatory spending programs. The red is interest on the debt, which then was a ''big'' $7 billion.

Times have changed, Mr. Chairman. Today—for fiscal 1997—the chart looks entirely different. More than half is blue, the mandatory portion of the budget, which is now Social Security, Medicare, Medicaid, welfare and other mandatory programs. The total amount now that we propose to spend is $1.6 trillion compared to $106 billion in fiscal 1962.

Today we spend 15 times more than we spent back in Jack Kennedy's day. As I say, half of it is for mandatory spending. We raise most of the money, and we transfer it to other people. We tax the American people and pass it on to the next guy.

The discretionary portion looks entirely different. Before, half of the whole budget was defense; now it is only one-sixth. But the other sixth, or the other half of the third, represents discretionary spending which is now about $269 billion, and a good portion of what is in this bill makes up that amount.

Actually some of what is in this bill is also funded in the blue, or the mandatory portion, but what is significant about this chart is the red. The significant of the red on this chart is the fact that it has grown disproportionate to the entire pie, which itself has grown by 15 times since 1962. The red represents the interest on the debt.

Within the next year or so the red, the interest that we pay on the debt, the borrowing of $100 billion, $200 billion, $300 billion a year over the last many years, is now rapidly approaching the same amount of money and soon will, exceed what we spend on the defense of this Nation, our first priority under the Constitution of the United States.

So I have heard various Members from the other side of the aisle troop down here and say we have to take care of the little children, the infirm, the elderly, we have to take care of the disabled and people who cannot help themselves, and my answer is if we do not get a handle on this problem, all of those people along with every one of us is in deep trouble.

The interest on the debt is the first thing the Government must pay. Otherwise we default. If we do not want to default, we have to pay the interest on the debt even before we worry about the security of our Nation and of every man woman and child in this Nation.

If we do not get that interest on the debt under control, if we do not get this borrowing in control, that tendency that has caused us to borrow up to $100, $200, to $300 billion a year, because we are spending that much more than we receive every single year with the exception of perhaps 3 years since World War II, frankly, the red color on the chart will encompass everything else, and we will not be able to afford anything else.

So I would say take care of the little children first by balancing our books. Now, the other side will say, well, we are balancing them on the backs of the children. I say that is not true. The fact is we are making significant savings. In fiscal year 1995 we saved a net of $16 billion, in fiscal year 1996 a net of an additional $20 billion. In fiscal year 1997, which we are in now, it will be another 15 to $20 billion. Minimum, a net savings to the American taxpayer of $53 billion under what was appropriated by the Democrats when they had control last in the Congress.

If we look at President Clinton's budget compared to where he would take us had he had a Democratic Congress, we are saving around $80 billion, all of that out of the discretionary spending. That savings is achieved by cutting everything fairly and equitably.

Is it out of education? No. First of all, the Federal Government only spends roughly 5 percent of the entire education budget. This is the chart showing what the United States spends on education. State and local governments spend 95 percent; the Federal Government puts up an additional 5 percent.

Mr. Chairman, I want to point out that despite the fact that we have heard this hue and cry about cutting the people that are least able, total nondefense discretionary spending is going up. The fact is, yes, we are eliminating duplicative programs. We have cut unnecessary programs. We have already eliminated a number of programs; gone from 655 in 1995, to 515 in 1996, and to 464 in 1997, in this bill.

At the same time the savings generated by these eliminations are, in fact, going to the States in the form of block grants, block grants for States and localities to spend the money as they please. Community service block grants has gone up from $390 to $490 million. For child care and development programs, it has gone up from $935 to $950 million. For social services block grant, it has gone up from $2.4 to $2.5 billion. And for maternal and child block grants, it has gone up by $3 million from $678 to $681 million. We are spending more, not less, on block grants.

Student aid is going up. The student aid has increased. Maximum Pell

grants are going up per person, per individual recipient. The overall student aid has gone up. The TRIO Program has gone up. For the very most disadvantaged people spending has gone up. Work-study spending has gone up. So has spending for various other programs.

It has already been pointed out title I grants to the States are kept even. We have been hearing there are cuts in these programs. Head Start is staying even. We are not cutting these things. There has been a lot of rhetoric, a lot of political breast beating about how these programs are being cut. They are not being cut. They are staying even.

The point is we can go ahead and spend all the money and worry about mañana if we would like to, but the poorest of the poor will suffer the most. The people on pensions will suffer the most. The people trying to plan for their children's education by borrowing to get them in college or borrowing money to buy a house or to buy a car will pay most as long as the Government continues to borrow to make up for the deficit that it has created by spending more money than it receives year after year after year.

When are we going to bring some common sense to the system? Well, I will tell my friends, we have begun, and we are not balancing the books on the backs of the poor and the disadvantaged; we are putting this country back on an even keel in an orderly fashion. If we have our way, within 6 years we will have a balanced budget. If we do not have our way, if the other side has their way, this country is going broke.

Mr. OBEY. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, let me simply respond to the gentleman who just spoke by saying the following: On defense, the difference between now and Jack Kennedy's time is that when Jack Kennedy was President we were in the beginning of the Vietnam war, we had a raging hot cold war, and the Soviet Union was in its heyday. That is a little different than the situation is today.

With respect to interest on the debt, I would simply suggest that that interest on the national debt is not out of control because we are overinvesting in education. In fact, under this bill and under the Republican budget over the next 5 years, we will see a per pupil reduction in the Federal investment of almost 20 percent.

On the Pell grant front, which is the main program that helps kids go to college, in 1976 that program covered about 48 percent of the cost of going to college. Today it covers only about 20 percent of the cost. Federal support for education as a percentage of what local school districts provide has shrunk from 5.6 percent just 2 years ago when the Republicans took control of this place to about 4.7 percent under this bill. That is almost a 20-percent reduction. At the same time, the States' share of meeting the cost of public elementary and secondary education at the local level has declined from 50 to 45 percent. So we are seeing both at the State level and at the Federal level a real reduction in deliverable program levels to support education.

I would simply add one additional note. I find it quaint that when the gentleman defends this bill he says ''We are not cutting anything, we are just holding it level,'' which denies the fact that because we have inflation and we also have an increasing student population, which means, again, that in deliverable aid to each student we are having a real reduction each year.

I find it interesting that somehow this is not a cut when we are talking about education, but last month, on page 2 of the document that the gentleman's committee reported, the Department of Defense appropriation bill for 1997, what they pointed out is that they provided a $3.7 billion increase in raw dollars above 1996, but they described it as a $4.4 billion reduction because it did not meet the cost of inflation.

So somehow when we talk about defense, then we are supposed to take into account the ravages of inflation and add to spending; with you, when we are counting what we provide for aid to kids, we are not supposed to do the same thing. That seems to me a very quaint accounting system, especially if we are concerned about making investments in protecting the country's future.

Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Ohio [Mr. STOKES].

Mr. STOKES. Mr. Chairman, I thank the gentleman from Wisconsin [Mr. OBEY], the distinguished ranking member of the subcommittee, for yielding this time to me.

Mr. Speaker, I rise in opposition to H.R. 3755, the bill setting the fiscal year 1997 appropriations levels for the Departments of Labor, Health and Human Service, Education, and related agencies.

As a member of the House Appropriations Subcommittee on Labor, Health and Human Services, and Education, and as the ranking member of the VA–HUD Subcommittee, I know first hand how difficult it is to craft a bill that truly responds to the needs of the American people. So, first, I want to take this opportunity to commend the chairman of our subcommittee, the distinguished gentleman from Illinois, Mr. JOHN EDWARD PORTER, and our distinguished ranking member, Mr. DAVID OBEY, of Wisconsin, for their hard work and doing what they could to craft such a bill within the subcommittee's inadequate allocation.

While there are some things that we can be especially pleased with in this bill, there are a number of others where we should be extremely concerned. For example, we can be pleased about the fact that the bill includes an $820 million increase for furthering biomedical research and restoring the infrastructure at the National Institutes of Health; a $75 million increase to further disease prevention and health promotion activities at the Centers for Disease Control; a $37 million increase to expand higher education opportunities for disadvantaged students under the Trio programs; a $45 million increase for Job Corps; and a $33 million increase in health professions training to ensure a cadre of health care providers to meet the Nation's health care needs especially in urban and rural underserved areas.

While we can be pleased with these investments, we must be equally disturbed by the major shortfalls in H.R. 3755 which threaten the quality of life for the most vulnerable among us. For example, the bill eliminates funding for the Healthy Start Program. This is a program which is designed to improve the Nation's infant mortality rate. It is appalling that the United States, ranking 22d, in fact has the worse infant mortality rate among industrialized countries. The Healthy Start demonstration projects have proven their effectiveness in reducing infant mortality.

As such, I cannot understand how my colleagues on the other side of the aisle can label themselves as ''pro-lifers'' and then zero out funding for this highly successful pro-life program—which is designed to save the lives of babies. Now is the time to provide the resources needed to begin to implement and to apply the Healthy Start Program's lessons learned to other communities that have a dramatically high rate of infant mortality. For the sake of families across this country—we now know what works—let's use it.

Mr. Chairman, H.R. 3755 falls seriously short on addressing the needs of our Nation's youth. Funding for the Summer Jobs Program is $171 million short of the amount needed to just support the same number of summer jobs as in fiscal year 1996. As a result, nearly 80,000 kids who need and want to work would be denied that critical opportunity.

Out-of-school youth are hit even harder, as the bill virtually ignores their employment training needs at a time when we know that education and skills matter most in today's job market. The Youth Employment Training Program was gutted in the past rescission and appropriations cycle, and is now flat funded at $127 million.

Substance abuse treatment is cut by over $38 million. With respect to at-risk youth alone, 5 million individuals will be denied the substance abuse prevention services they desperately need.

The dramatically high rate of unemployment among out-of-school youth and the high rate of teen pregnancy are two of the most significant problems confronting this country, consuming scarce resources, and compromising our youth's future. We can and must do something to effectively address each of these ongoing problems. They are too costly in terms of human capital and monetary expenses to ignore.

Mr. Chairman, H.R. 3755 also fails our Nation's school children, jeopardizing their academic future. At a time when school enrollments are on the rise, and are in fact the highest in history, the bill freezes funding for teaching assistance in basic reading and math under the title I Grants to Local Education Agencies Program. Funding for Safe and Drug Free Schools is cut $25 million below the current funding level despite the increase of crime and violence in our Nation's schools. Funding for training and advisory services associated with carrying out title IV of the Civil Rights Act is not only frozen, but is also 48 percent below the President's fiscal year 1997 budget request. In addition, no funding is provided for the Women's Educational Equity Program. These two programs are critical to ensuring educational equity for minorities and women.

The bill also eliminates funding for Goals 2000, which is designed to assist and provide communities critical resources needed to raise education standards and children's academic achievement. Funding for these five programs alone falls nearly a billion dollars below the President's fiscal year 1997 funding request level, and $375 million below the current funding level.

The bill also threaten's seniors' quality of life by short funding low-income home energy assistance, the Administration on Aging, and the National Senior Volunteer Corps. Funding provided for these three programs alone falls over a billion dollars short of the administration's request.

At a time when we speak of the critical need to insure personal responsibility, H.R. 3755 is weak on addressing the needs of families. Funding for the mandatory Social Services Block Grant Program and the child care development block grant are $320 million and $98 million respectively short of the administration's request. These resources are desperately needed by working poor families who not only need to work but equally important want to continue working. In addition, funding for the Centers for Disease Control's National Center for Injury Prevention and Control Program is cut $2.6 million. These funds are critical to further research on the prevention and control of fires, poisonings, and violence including homicide, suicide, and domestic violence. Programs under the auspices of the Substance Abuse and Mental Health Services Administration are also especially hard hit by H.R. 3755. The over $38 million cut in substance abuse treatment is compounded by the fact that funding for treatment was gutted 60 percent in fiscal year 1996, and that for treatment demonstrations was cut 57 percent. As a result of the dire funding situation, with respect to at-risk youth alone, 5 million individuals will be denied the substance abuse prevention services they desperately need. In total, funding for these four programs alone is $670 million below the administration's request, and over $70 million below the current funding level.

Mr. Chairman, each and every day, parents across this country continue to raise their children telling them to get a good education, work hard, and play by the rules, and you will succeed. H.R. 3755 denies these kids access to many of the most critical tools they need to succeed. I strongly urge my colleagues to vote ''no'' on H.R. 3755 in its current form.

□ 1915

Mr. PORTER. Mr. Chairman, I yield 3½ minutes to the gentleman from Mississippi [Mr. WICKER], a very valuable member of our subcommittee.

Mr. WICKER. Mr. Chairman, I thank the gentleman from Illinois [Mr. PORTER], the chairman of the subcommittee, for yielding time.

Mr. Chairman, this is a very important debate. This bill is a very important part of our effort to balance the budget for this Nation. If the President of the United States had his way with this appropriation, we would spend an extra 12 percent on this bill. We would spend an extra $7.8 billion in 1 year alone if the President had his way on this bill.

On the other hand, the bill that we have before us is level-funded from last year's appropriation. So the first question we have to ask ourselves is: Do we level-fund for the next fiscal year in the context of a balanced budget, or do we spend an extra $7.8 billion? I come down on the side of balancing the budget.

The second question we ask ourselves tonight is: Are we making an adequate investment in these very important programs, and in particular I would ask, are we making an adequate investment in education? I would submit to my colleagues that under this bill we are making substantial additional expenditures in education.

Mr. Chairman, this first chart I have gives a history of Head Start funding. It shows that under this appropriation bill we will appropriate an additional $31 million for Head Start in fiscal year 1997. It also shows that in the last 7 years alone Head Start expenditures have increased by 132 percent. This is at a time when enrollment in this program has not increased by nearly that percent.

Now, the second chart I have is simply an account of Pell grant maximum awards, and my colleagues can see that the maximum award for 1996 is $2,470. Under this bill it will go up to $2,500.

Other increases in this bill are the Job Corps program, a $45 million increase; the work-study program, an increase of $68 million; impact aid, an increase of $68 million. We have also level-funded important programs such as job training, the Safe and Drug-Free Schools State grants, and Title I funding for the disadvantaged.

It is very, very easy to be for a balanced budget back in our districts in an election year, but it is hard work to actually get to a balanced budget. It is hard to actually plug in those numbers that will reduce the deficit, when we consider them item by item by item.

I would respond briefly to the comments of the gentleman from Maryland [Mr. HOYER], my dear friend. His quarrel is with the overall budget plan which includes tax relief. There are many colleagues on the other side of the aisle who object to the budget allocation. They said, ''We did not vote for these tax cuts and we should not be bound by the budget plan.''

Mr. Chairman, we have to make judgment calls, and if I have to make a judgment call on the side of the hard working taxpayer, I will do that. If I can put another $1,000 in the take-home pay of a young family making $25,000 or $30,000 and still level-fund these very important programs, I will do that.

This is a choice of another $7.8 billion in spending or a balanced budget. Mr. Chairman, I urge my colleagues to choose a balanced budget and vote for the bill.

Mr. OBEY. Mr. Chairman, I yield 5 minutes to the distinguished gentlewoman from New York [Mr. LOWEY].

Mrs. LOWEY. Mr. Chairman, first I want to thank the gentleman from Illinois [Mr. PORTER] for his leadership for funding for the National Institutes of Health. This bill provides for a 6 percent increase which I wholeheartedly support. This increase will enable important research to continue in the area of breast cancer, diabetes, Alzheimer's disease, AIDS and many others.

The bill also increases funds to train child welfare workers to better care for abused and neglected youngsters. In addition, I thank the chairman for working with me to prevent cuts in public television funding, and I also thank him for continuing to work with me to fully fund domestic violence programs.

However, Mr. Chairman, I rise to state my deep concern with this bill. This bill has always been called the people's bill. But again, for the second year in a row, this bill falls short of meeting the needs of the people of this Nation: our schoolchildren, college students, elderly, and hard-working men and women across the country.

Unfortunately, this bill represents a serious reduction in our Nation's investment in education. While the draconian cuts above $4 billion proposed by the majority party of last year have not been repeated, the bill still fails to make the necessary investment in our Nation's schools.

It was the proposed $4 billion in education cuts, coupled with steep reductions in job training and worker protection, which led to two government shutdowns and an 18-month stalemate over the budget. Finally, the majority retreated from their extreme position and 90 percent of the cuts in education, 60 percent of the cuts in job training,

and 75 percent of the cuts in worker protection programs were restored.

But the bill before us today takes us down the same path as last year. Under this bill, the Federal Government is further shirking its responsibilities to our local schools. In the 1994–95 school year, when Democrats were still in control of the Congress, the Federal Government contributed 5.6 percent of State and local expenditures for education. Under the bill before us today, the Federal contribution to local schools is down to only 4.7 percent.

This bill also shortchanges students in colleges, universities, community colleges and training programs across our Nation.

By the year 2002, an additional 1.5 million students will be enrolled in college. This is an increase of almost 10 percent in student enrollment. The cost of a college education is increasing faster than the rate of inflation. Unfortunately, this bill does not take into account increased college enrollment or increased college tuition.

The Pell Program is the cornerstone of Federal college assistance, providing aid to 4 million needy students. Pell recipients are not well-off, and more than 90 percent of the aid goes to students from families and incomes below $30,000. The Pell Program is one of the few sources of grant aid still available. Pell helps to cut down on the crushing college debt burden assumed by so many students and their families today.

But in the bill before us today, the maximum Pell grant is $2,500, only $30 above last year. This $30 increase in the Pell grant would buy a single college textbook. The Pell funding in this bill is simply inadequate to meet the costs of higher education today.

The bill is also inadequate when it comes to the Perkins Program. The bill provides no capital contributions to the Perkins Program. Three-quarters of a million low income students depend on the Perkins Program. In my state of New York, Perkins provided low-interest loans to nearly 60,000 deserving students.

In addition, the bill before us today completely eliminates the SSIG Program. In fiscal year 1995, SSIG was funded at over $60 million. Last year we funded SSIG at $31.3 million, but only after a long and protracted fight over funding priorities. If we added a modest $31.3 million to the SSIG Program, we could provide aid to 105,000 students and generate over $100 million in State students aid funds.

The bill also fails to fund the President's important teen pregnancy initiative, provides no funding for school infrastructure, and eliminates the Women's Educational Equity Act.

The bill was flawed from the start because it was a direct outgrowth of mixed-up Republican priorities. Like last year, the House gave the Pentagon billions more than Pentagon requested. This year the House voted to give the Pentagon $11 billion more than it requested. This is wrong, Mr. Chairman. It is shortsighted. We cannot afford to keep shortchanging the important priorities of this Nation.

Mr. PORTER. Mr. Chairman, I yield myself 15 seconds.

Mr. Chairman, I just want to point out that under Republicans in the last 2 years we have raised maximum Pell grants by $160, and under the last 4 years of Democratic administrations, the gentlewoman from New York might realize that they cut maximum Pell grants by $60.

Mr. Chairman, I yield 3½ minutes to the gentleman from Arizona [Mr. KOLBE], a member of the full committee.

(Mr. KOLBE asked and was given permission to revise and extend his remarks.)

Mr. KOLBE. Mr. Chairman, I want to begin by commending the gentleman from Illinois [Mr. PORTER], the chairman of the Subcommittee on Labor, HHS, and Education, for the very hard work he has done, he and his staff, on this bill, putting together a very tough bill under very tough circumstances. Mr. Chairman, I think they put together a very workable appropriation for the Departments of Labor, Health and Human Services, and Education, ensuring that the medical needs and the education needs of the young and the old are met, and that we feed not only the body but the mind and the soul.

But I stand here today mostly not in my capacity as a member of the Committee on Appropriations, but as a member of the Committee on the Budget where some of these overall priorities are being established, because this bill that we are looking at today incorporates the goals and the promises that the Republican Congress made to provide our children with a better future.

Mr. Chairman, simply stated, the best thing we can do for our children is to balance the budget. If we do not get runaway Federal spending under control, we are not going to have any money for college loans in the future; we will not have money for Head Start; we are not going to have any money for children's health programs.

Through all of our history, each succeeding generation has always enjoyed the promise of having a better life and standard of living for themselves than the previous generation, but compare what Government spending has been between 1962 and 1997.

This chart here shows the amount of money that was spent on discretionary nondefense spending in 1962 was enormous, more than half of the total Federal budget, and when we add the other part of the yellow in there, almost all of the budget was in discretionary spending. Look at how that has dropped by the year 1997, so discretionary nondefense spending is down here to a much smaller part of the pie. Whereas it was once 50 percent, today it is less than 20 percent on those same kinds of programs.

The kinds of programs that the gentleman from Illinois [Mr. PORTER] and his subcommittee have to deal with are being squeezed down by the entitlement programs, Medicare, Medicaid, Welfare, and Social Security. They are consuming an ever larger portion of the total Federal expenditure. When in 1962 they consumed 25 percent of Federal expenditures, today by comparison they consume 50 percent of those expenditures.

We made, in the Committee on the Budget, a promise to cut Federal spending, to decrease taxes, to balance the budget. With a balanced budget we are going to give families lower car payments. We are going to give them lower student loans and lower house payments for their mortgages, and therefore they will have more money in their pocket.

Once again, if we do not balance the budget, the people we are hurting are our children and our grandchildren.

The President and some of those on the other side of the aisle would have us believe that the budget resolution in this appropriation bill is going to strip away valuable services, including education and health care for the elderly, women and children. This is simply not true. Under the budget conference agreement, and this bill fulfills that agreement, spending for education and job training increases from $47.8 billion in 1996 to $50.4 billion in 2002.

□ 1930

That is a $3 billion increase. Anybody outside Washington, Mr. Chairman, understands that that kind of spending, a $3 billion increase, is just that, it is an increase. So we are not talking about cuts. We are talking about increases. It is the other side that wants to talk about cuts.

We know that money does not necessarily mean better education. We have a lot more bureaucracy in Washington with the Department of Education, when we do not have better education, not necessarily. So we need to be sure that we target the money that we do have available to those things that are absolutely vital and absolutely critical. This bill does that in health and human services, in education. I strongly urge that we support the passage of this legislation.

Mr. PORTER. Mr. Chairman, I yield 3 minutes to the gentleman from Texas [Mr. BONILLA], a member of the subcommittee.

Mr. BONILLA. Mr. Chairman, I thank the gentleman for yielding me the time.

I am going to lay a guilt trip on some of my colleagues who are considering at this time voting against this bill, because if they are for children and if they are for education and if they are for an improved health care system, they want to vote for this bill. Otherwise, frankly, I do not know how my colleagues who are considering voting against this bill can sleep at night.

Examples: We are increasing Job Corps funding in this country that

would allow nine new Job Corps centers to be built by June of 1998, $45 million more for Job Corps this bill contains that we had in the last bill. So if Members want to support young people who are trying to get a second chance in communities across this country, they are going to vote for the bill. Otherwise, I do not know how they can live with their guilt of abandoning these young people who desperately need this money.

The same could be said for the Centers for Disease Control. We are increasing funding for them $75 million over fiscal year 1996. How can my colleagues live with themselves if they consider voting against this bill and abandoning the good work that is done at the Centers for Disease Control.

Breast cancer screening increased by 8 percent. How could we live with ourselves if we vote against this bill when it provides increased funding for this most important cause? Community and migrant health care centers, again very necessary in many of our rural and poor areas of this country. How can Members vote against this bill and abandon the people who need this service so desperately in our communities?

Pell grants. We have been talking about that for awhile now. We are increasing funding for Pell grants, when under previous leadership of the other party, Pell grants were actually cut. How can my colleagues live with themselves if they consider voting no on this bill that provides more money for Pell grants?

The TRIO Program, that is an extremely important program for this country. We are providing $37 million more money for TRIO programs in this country. Think about the young people that come from families that have never had an opportunity before to go to college, families around this country that have been struggling, they are finally getting an opportunity to send someone to college in their family, and TRIO is going to give them an opportunity. How can we live with ourselves if we vote against this bill that provides more money for TRIO?

The bill also contains additional money for health care professions, young people from disadvantaged areas in this country who are wanting to study to become nurses and dental hygienists in low-income areas, that provide health care in low-income areas, rural areas that oftentimes do not have health care that is necessary in their areas, this is going to provide $31 million more in funding for health care professions.

I ask my colleagues, how can they live with themselves if they consider voting no on this bill?

Please consider voting yes on this bill. We are all in this together. We want to help children, education and health care in this country. I ask Members to support us in passage of this bill.

Mr. OBEY. Mr. Chairman, I yield 6 minutes to the distinguished gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Chairman, I thank the gentleman from Wisconsin [Mr. OBEY], ranking member, for yielding me this time and commend him for his leadership, especially now, in defining the problems in this bill.

I also commend our distinguished chairman, the gentleman from Illinois [Mr. PORTER], for his efforts to do the best he could with inadequate resources.

I rise in strong opposition to this bill as reported for many reasons. The bill is simply underfunded by 7.8 billion, or 11 percent, below the President's request. President Clinton demonstrated that there are ways to balance the Federal budget while at the same time investing in health and education of our people, especially our children. Indeed we will never balance the budget unless we make these investments in our children.

This bill falls short because it follows the flawed budget blueprint adopted by the Republican majority. There are three reasons, there are many reasons, but I put forth three reasons to vote against this bill: cuts in education, cuts in education, cuts in education.

Our colleagues on the Republican side get up and say that the Federal role in educating our children is only 5 percent. Indeed, under this bill we would not even be able to live up to that 5 percent. My democratic colleagues have addressed the education cuts over and over again in this debate, so I will turn to some of the cuts that affect American workers.

Mr. Chairman, during the committee's deliberations, I presented an amendment addressing a number of the concerns about protecting American workers. Under the rule I was not able to offer that amendment as presented. I would like, however, to outline my concerns with the bill with regard to vital worker protection programs.

In this bill, the Republican majority has declared war on the American worker. As the national debate continues over our commitment to American children, their education, their health and well-being, we must also address the economic well-being of their families. Over the last 2 years, primarily through the appropriations process, the 104th Republican controlled Congress has reversed decades of progress on job training, education, pensions and worker protections. This is particularly alarming when American workers and their families are menaced by trade, downsizing, technological downsizing, and other layoffs.

This year the Labor-HHS-Education appropriations bill makes further cuts to important initiatives for America's 923 million working men and women in 6,000,000 workplaces across the country. These initiatives promote workplace health and safety, ensure pension security, and ensure that employees have fair wages and working conditions, and indeed even limits their ability to begin to bargain collectively. Indeed they even prohibit voluntarily guidelines for ergonomics, that is, repetitive motion injuries, which are the fastest growing health problem in our workplace.

I want to refer my colleagues to this chart on the war on American workers. Safety and health enforcement in this bill is cut by 13 percent below the President's request, 9 percent below last year what is required to maintain last year's levels.

It even prohibits the new OSHA initiative and assistance to small businesses enabling them to reduce workplace accidents and fatalities.

Mine safety: The cut of 6 percent below the President's request for mine safety will mean no funds to acquire new mine safety equipment and a reduction of mine safety inspection.

Pensions: On pension protection, a cut of 22 percent below the President's request, 6 percent below current services. No funds are provided for three of the administration's pension priority protection initiatives, pension education and participants assistance, the electronic filing initiative, and the 401(k) enforcement initiative.

This is in addition to last year's Budget Reconciliation Act, which turned back the clock on protection of pension plans. Fortunately, the bill was vetoed by the President, but it would have threatened the security of pensions in 6000 pension plans.

Employment standards, the Employment Standards Administration, ESA, makes sure that ordinary Americans get a fair shake at the workplace. The enforcement of child labor laws, sweatshops, fair wage laws and fair hour laws are critical to American workers.

Funding for ESA is cut by 6 percent and is 15 percent below the President's request. As a result, reductions will have to be made in efforts to eradicate garment sweatshops and protect workers' newly won family and medical leave.

Collective bargaining, the National Labor Relations Board investigates and prosecutes unfair labor practices. It is being cut substantially, minus 20 percent, $36 million in this bill. Dislocated workers cut by 15 percent. Over 2½ million American workers lose their jobs each year due to global competition, et cetera, and will not receive assistance.

There are 81,000 fewer laid-off workers being served.

American workers are the engine of our economy. They deserve to be treated with dignity and respect. They also deserve a safe workplace. Despite our budget challenges, we should not retreat on worker protection. This is the wrong place and the wrong time to cut back. American workers and their families deserve better.

With that, I commend the chairman for doing the best he could with what little he had. I hope that in this battle of priorities, our national value system will say we need more for children, more for American workers, more investment in the future of our country.

Mr. PORTER. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. RIGGS], a valued member of the subcommittee.

Mr. RIGGS. Mr. Chairman, I thank the gentleman for his outstanding leadership on this very important piece of legislation. Just so this does not turn into too much of a he-said, she-said type of debate on this floor this evening, I would like to point out to my colleague, the gentlewoman from San Francisco, that we were able to team up in this legislation to address a very high priority for us, for our districts, and our constituents; that is to say, funding for AIDS research, prevention and treatment programs.

I wish that we could at least have the intellectual honesty to come down to the floor and acknowledge what we would like about the legislation before engaging in the partisan bashing of what we do not like about the legislation. That would be for me a very refreshing approach, I think to discussing and debating legislative issues on the House floor.

Second, I also want to point out that the bill funds the Ryan White Care Act at the House and Senate approved funding levels. So I thank both of those items are very welcome news to northern California and to those other parts of the country which have been experiencing and attempting to cope with the AIDS epidemic.

I also want to commend the subcommittee chairman for increasing funding for Head Start. I recognize that there are problems with this program regarding the lack of accountability and the lack of demonstrated results on a long-term or longitudinal basis which I hope we can address again through a serious and honest bipartisan debate. But I think it is important, since I happen to be an advocate of universal early childhood education, to continue our funding support of Head Start.

With that, I also want to point out, as previous speakers before me have on this floor, that this bill, the 1997 appropriations bill for the Departments of Labor, Health and Human Services and Education increases—I did not say decrease or cut—increases by 2.4 billion, to a total of 40.7 billion, Federal taxpayer assistance for higher education in this country. So another way of putting that is, we continue to make student aid a top priority of this Congress. And we increase funding for all of the major student aid programs as the chairman and other Members have pointed out.

Let me use this chart very quickly to make my point. We increase funding for Pell grants by $5.3 billion, we increase it to a $5.3 billion level. As the previous speakers have pointed out, the maximum Pell grant is raised to $2500 from $2470 last year. This will be the highest maximum ever provided in this country. That does not sound to me like a Republican majority, a Republican controlled Congress drastically cutting education funding.

Work study, the second most important Federal higher education program, is also increased by $68 million, and that is higher than the President's request. So come down to the floor and talk about the draconian and drastic and dire proposed cuts in the President's budget if you want to use this same rhetoric.

Lastly, the TRIO Program is increased to $500 million. This is a very important program for outreach to minority Americans. So please, do not come down here and contend that we are cutting student financial aid. This is a good spending bill. It is good policy and it increases aid for students.

□ 1945

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Oregon [Mr. BLUMENAUER].

(Mr. BLUMENAUER asked and was given permission to revise and extend his remarks.)

Mr. BLUMENAUER. Mr. Chairman, I thank the distinguished gentleman from Wisconsin for yielding this time to me.

Mr. Chairman, I have been listening to the debate here this evening and have been troubled by the perverse logic that this small, but important, 5 percent of the Nation's educational expenditure is dismissed. It is dismissed by people who obviously have not been talking to the struggling school boards, teachers and principals who are tying to make do, particularly in areas like this bill that would provide less per pupil at a time when many communities are struggling with growth, as has been documented by the gentleman from Wisconsin [Mr. OBEY].

But most of my concern, I guess, is focused on the dismissal of the critical partnerships with State and local government. Every Member of this Chamber has benefited in the Nation's prosperity in the 25 years after World War II due in no small measure to Federal educational investment and unprecedented partnerships with local schools. Everyone benefited from that. This bill would turn its back, and I use just one example:

The bipartisan effort, the Goals 2000 to promote educational reform that has made a great deal of difference in my State increasing academic standards for students, bringing technology into classrooms, fostering an increased relationship between schools and higher education, and developing those public private partnerships between schools and employers that people talk so much about; this has been done in my State using this. And somehow we could not find less than 1 quarter of 1 percent in this bill to fund Education 2000. It is a tragic mistake. It is shortsighted and counterproductive.

Yes, it is difficult to balance the budget, but the issue is one of priority.

I just want to say that turning our back on the Federal partnership and investment, ignoring our past successes, our current obligations and our children's future is no way to achieve that goal of a balanced budget.

Mr. PORTER. Mr. Chairman, I yield 3 minutes to the gentleman from Arkansas [Mr. DICKEY], an able and valued member of the subcommittee.

Mr. DICKEY. Mr. Chairman, during the War of 1812 this building was surrounded by the British. In fact, the British came in and tried to burn it. There is evidence of that as we go about this wonderful structure. What we have now, though, is an enemy, not something that is tangible, but something that we are faced with and we might get into, and that is indulgent spending.

Our Nation is spending money, this Congress is spending money, that we do not have. We are spending money of our children and our grandchildren, and what is immoral about that is it is without their permission, and this is why this bill that we have here today is so important, that we are trying to balance the budget for the sake of our Nation and, particularly, our children and our grandchildren.

On this Committee on Appropriations, this is my first term, and I was told that it was a very prestigious committee and it is one that one can go on and gain a lot of friends. But there are not a whole lot of constituents that come in and say, please, cut my program. And so we have had the job of looking at the responsibility that we have, the moral responsibility that we have, of cutting the budget and saving this country from the enemy that is from within, and we have had to say ''no.'' We have had to say ''no'' to program after program after program, and it has been tough, but we have wanted to cut spending first.

The sad thing is that we have not been able to do it with the very people who could help us the most. The architects and the caretakers of all of these spending programs that started roughly in 1964 are here today, and they could point out the waste, fraud and abuse that we have and help us, in a patriotic fashion, work together to try to balance the budget.

No. What they are doing is taking cheap shots, throwing hand grenades and trying just to get by this 1996 election. Where they could be helping us, where they could be taking some responsibility for what has happened, they are not doing it. They are saying this is cruel, this is wrong; they are bringing emotional arguments to bear so we will back down off our promise to the American people. But in 1994 we said, no, we wanted to balance the budget, and we were going to take the tough cuts.

Let me give my colleagues an example of one instance, just one agency, and that is the NLRB, the National Labor Relations Board. This board administers a program that has 1,934 employees, 500 in Washington, and the balance in field offices. It has 792 lawyers. It has 52 field offices, three in Los

Angeles alone. It has an annual rent of $8 million. We have been through the second year now of trying to ask them to help us and come on our side and bring us some semblance of reasonableness to this budget.

We have cut this budget by 15 percent not because we know how to do it, not because they have helped us do it, but they have stonewalled and said, no, we want an 8.3 percent increase, we do not want to participate to help our children and our grandchildren, and this is what we are trying to do, and that is the reason why I am supporting this bill and going to vote for it.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland [Mr. WYNN].

Mr. WYNN. Mr. Chairman, I thank the ranking member for yielding this time to me.

Mr. Chairman, I rise this evening to oppose this bill. Education is the key to the American dream and the key to global competitiveness for jobs, and this bill is inadequate, woefully inadequate to meet our young people's educational needs. Overall in this budget education is cut 7 percent below 1995 levels, 7 percent below 1995 levels, while enrollment is projected to increase by 7 percent over the next 6 years. In my State of Maryland alone enrollment has increased 12 percent between 1990 and 1995.

This bill in inadequate. It provides $7.8 billion less than the President requested.

Now, I have to tell my colleagues I am amazed when I hear Republicans puff out their chest and say, well, we only pay 5 percent of the cost of education anyway coming from the Federal Treasury. That is not something to be proud of. I dare say most taxpayers would like to see more Federal aid for education.

Now, do not be fooled. Less Federal aid means only one thing: Higher State and local taxes, higher property taxes at the local level. Less Federal aid means larger classes, less equipment and materials, and poorer classes. And I assure my colleagues that the taxpayers in poorer States and counties would like to see more Federal aid for education.

Now my colleagues have heard several of our colleagues stand up here piously and say, but we have to balance the budget. Let me give my colleagues the truth about this. They are providing $7.8 billion less than the President asked for for education, but they are providing $11 billion more than the Defense Department asked for for defense.

Mr. Chairman, I would just add that they have cut the Goals 2000 Program, which provides local assistance. They have cut safe and drug-free schools, but they say they want to fight drugs. They cut $25 million out of safe and drug-free schools, and they cut Healthy Start, which is designed to save kids. In Baltimore and my State, infant mortality under Healthy Start was reduced by 31 percent. This is an important program.

Mr. Chairman, I think this is a bad bill.

Mr. PORTER. Mr. Chairman, I yield 3 minutes to the gentlewoman from Nevada [Mrs. VUCANOVICH], a member of the full committee.

Mrs. VUCANOVICH. Mr. Chairman, many years ago a song stated that ''Diamonds are a girl's best friend''. Today, women are seekng more from life—they are looking for good health, safe communities and a future for their children. I can tell my colleagues in this regard, H.R. 3755 is truly a precious gem.

In this bill this Congress has not only talked about helping American women and their families, but it has really done it. More money has been put into the National Institutes of Health for research of heart disease, diabetes, AIDS, and cancer.

Of particular significance to me as a breast cancer survivor, and to the thousands of women who have been diagnosed with this disease, is funding under the National Cancer Institute. An increase of $6 million is provided, bringing funding level totals to $409 million to be used for breast cancer research next year. I want to personally thank my colleagues for their support of this research, and especially thank the chairman of the subcommittee and the staff. More than 46,000 American women will die from this devastating disease this year. Let me repeat—46,000 women. We are coming close to understanding this disease so that a cure may be found, and this money is sorely needed.

This Congress knows that in order to treat breast cancer and cervical cancer, women must first detect the cancer. That is why an additional $10 million has been provided for the breast and cervical cancer screening program. This program helps ensure that low-income women get the information and assistance they need to maintain good health—so that they may spend a life together with their families.

My friends, every day on the news we hear about the crimes in our streets—but what about the crimes in our homes? Every day thousands of women must face horror right in their own homes, with no one to protect them. While Congress cannot eliminate domestic violence, it can provide women with the means to get help. We in this Republican Congress have made a commitment to helping these unfortunate women. H.R. 3755 contains $25 million for battered women's shelters; $2 million for runaway youth prevention; $400,000 to operate the domestic violence hotline; and $5 million for domestic violence community demonstrations. And since violent crimes happen outside the home, as well as inside, this Congress has included $28.6 million for rape services and prevention block grants to the States, which can better serve these women.

Mr. Chairman, this Congress is compassionate and this Congress is listening. More than that, this Congress is doing something. We do not take our women for granted, we do something for them. Mr. Chairman, diamonds are no longer a girl's best friend, the 104th Congress is. I congratulate the chairman of the subcommittee and his staff for putting together a good bill. I urge all of my colleagues to show their friendship toward women by voting for this important bill.

Mr. OBEY. Mr. Chairman, I yield such time as she may consume to the gentlewoman from California [Ms. MILLENDER-MCDONALD].

(Ms. MILLENDER-MCDONALD asked and was given permission to revise and extend her remarks.)

Ms. MILLENDER-MCDONALD. Mr. Chairman, I would like to stand in opposition to this bill because of the elimination of the Goals 2000 Program.

I applaud Mr. PORTER for his efforts. Mr. Chairman, I rise in strong opposition to H.R. 3755 for several reasons: Freezing summer youth jobs programs, eliminating healthy start, and abortion family limits.

Perhaps the most pressing reason, however, is the elimination of funding for the Goals 2000 Program.

As a former teacher and a person who still cares passionately about the education of our youth, I am appalled by this political attack on the future of our Nation.

Mr. Chairman, the United States is currently ranked third in the world in terms of the reading skills of our youth.

While this may be admirable to some, I would in fact argue that we need to do better.

Given the global economy into which our children will soon be entering, and the need for the United States to remain competitive in this new international arena, it is imperative that we offer them the best education possible.

In order to help prepare our children for the future, the Congress passed, in 1993, the Goals 2000 legislation.

Unfortunately, since that time, the purposes behind Goals 2000, and the methodology involved in its implementation, have been grossly distorted.

To set the record straight, Goals 2000 is a framework to help States develop a curriculum for their public school students to help them gain the knowledge and learn the skills that will be necessary for us as a nation to remain competitive.

Goals 2000 was developed to enable us to deal with the almost 15,000 public school districts in our Nation which are charged with educating and preparing the 50+ million public school children who will be looking for help and guidance as they face the future.

It may interest my colleagues to know that approximately 5.2 million of these over 50+ million public school students reside in my home State of California.

It is in my home State in fact that our Governor, who by the way is a member of the other party, has included in his latest budget a request for funding to increase the quality of public education and decrease the class size of public school.

While I do not agree with our Governor on everything, I do agree that we need to put public education at the top of our priority list.

We need to stay competitive, and we need to educate our children. If we are sincere

about changing behavior in our urban children, if we are sincere about giving them a fighting chance to move from the bowels of despair Goals 2000 is one of the many tools which we can and should use in their fight for the future.

I therefore object strongly to this bill, and I hope that the other body shows more foresight when they consider this legislation.

I thank the gentleman again for this time and I urge my colleagues, in the strongest terms possible, to oppose this bill.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from Virginia [Mr. PAYNE].

Mr. PAYNE of Virginia. Mr. Chairman, I am deeply concerned about this appropriations bill and what it does to education. I supported the coalition budget which would have balanced our budget in 2002, and provided more—not less—money for education.

It is our duty to ensure that every American child has access to education and training needed to be productive citizens. This freezing of education funds and particularly the defunding of Goals 2000 undermines our ability to honor this commitment.

Goals 2000 was created in my district in Charlottesville, VA in 1992 when President Bush and our Nation's governors conducted an education summit to determine what we could do as a nation to be more competitive in a global economy.

Goals 2000 is an effective investment in our children's future. It is fiscally responsible. Perhaps most importantly, Goals 2000 is needed by our Nation's schools.

Goals 2000 provides money for computers, microscopes, and library books. As honorary chairman of Pittsylvania County Goals 2000, I know first hand the vital aid it gives to schools—particularly in rural areas, such as my own.

We owe it to our children, ourselves, and future generations to provide adequate funding for education and to restore funding for Goals 2000.

Mr. PORTER. Mr. Chairman, I yield 1 minute to the gentleman from Oregon [Mr. BUNN], a valued Member of our full committee.

(Mr. BUNN of Oregon asked and was given permission to revise and extend his remarks.)

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Mr. BUNN of Oregon. Mr. Chairman, let me start my remarks by saying that I appreciate all the hard work the gentleman from Illinois [Mr. PORTER] has put into this package. Funding for crucial health care programs was increased over last year and I fully support those efforts. However, I think we could have done more for higher education.

We can all argue the merits of Federal education funding versus State education funding, but maintaining access to higher education is a crucial role of the Federal Government. We need to ensure that our students who have the ability can continue to attend the best higher education facilities in the world. If we continue to decrease our commitment to higher education students, our schools will decline and our colleges and universities will be for the rich, not the best and brightest.

This bill eliminates the State student incentive program. This bill eliminates capital contributions to the Perkins loan program. This bill increases the maximum Pell grant by a little over 1 percent, not even keeping up with inflation. We need to do better, and I think we can.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentlewoman from North Carolina [Mrs. CLAYTON].

Mrs. CLAYTON. Mr. Chairman, I thank the ranking member for yielding this time to me, and I want to commend all of those involved in this important issue of providing education and other resources for our Nation.

Mr. Chairman, although there are many features of this bill that are better than last year, there are far many more features of this bill that we find unacceptable. I only want to use my time to highlight two of those, and perhaps not emphasize as much as my other colleagues have about education, but education indeed is important, and we have not invested enough in education.

Also, the other issue that we have not invested anything whatsoever in is teenage pregnancy. Teenage pregnancy is a hot subject now; we talk about that, but we have the dubious distinction of leading the world in this area. No other industrialized nation with a standard of living comparable to the United States has a problem of this dimension.

Eash year approximately 1 million teenagers become pregnant. Teenage pregnancy significantly affects the health of teenagers, as well as their economic and educational future. Once a teenager becomes pregnant there is no good solution. The best solution indeed is to prevent the pregnancy in the first place.

Teenagers having kids, we talk about that. In fact, many of our Members here on the floor say we can no longer afford that. Demagoguery is very easy. Meaningful action means deeds are difficult. We have provided no funding whatsoever. The President asked for $30 million for the teenage pregnancy prevention initiative, and not one cent was provided, when we know it costs this Nation about $6.9 billion in the costs of providing for teenage pregnancy and their children. This would have been less than one-half of 1 percent. Again, voting for teenage pregnancy would indeed have enabled our young people to improve their health and education and economic opportunity for our Nation's youth.

Finally, Mr. Chairman, our investment in education is indeed our investment in our future. Many organizations, our colleagues, and millions of citizens say we should invest more in education, not less.

Mr. PORTER. Mr. Chairman, I am pleased to yield 5 minutes to the gentleman from California [Mr. CUNNINGHAM], the chairman of the Subcommittee on Early Childhood, Youth and Families of the Committee on Economic and Educational Opportunities.

Mr. CUNNINGHAM. Mr. Chairman, I agree with the gentlewoman who just spoke: Education is the future of this country. I do not think there is demagoguery. I think there is an honest debate here on policy, whether we want the Federal Government to be able to have the control to spend the dollars in education, or we want people in States to control that. I think that is a legitimate debate. That is what is before us today. I do not think there is demagoguery. I think people truly believe. I believe that those that believe that a socialistic model for the poor is better are wrong. That is what I would like to speak about tonight.

Mr. Chairman, my friend who spoke in the well a minute ago said he wishes there were more dollars in the Federal education system than just 5 percent. I believe that is not demagoguery, I believe he believes that. We, however, believe that people can control their dollars more and spend it on their children than the Federal Government can. They can get a bigger bang for the dollar than the Federal Government can with its big bureaucracy.

Yes, only 5 percent of education funding comes from the Federal Government. In some cases, as little as 23 cents on a dollar, 23 cents on a dollar, gets back into the classroom in many areas. That is wrong, Mr. Chairman. That is a waste. That is cutting education. And I propose that the liberal Democrats that are trying to save education have done it a great harm and have actually cut education. When we only get 23 cents on the dollar back into the classroom, that is cutting education. We are proposing to turn that around.

How? First of all, that 5 percent of education funding, we have found there are 760 education programs. Think about the bureaucracies, think about the overhead that takes. We eliminated over 187 programs. We believe, yes, that medical research, the Government has a direct function in. Those savings ought to go to that. We believe that Pell grants for the poor are important and a priority. We took the savings from that and put it into the Pell grants. We increased student loans by $3 billion.

Yes, even though the dollars come to the Federal Government and are returned at a low rate, those are priorities, and I think most taxpayers do not discern those dollars because they go to help the poor and the children. But we do believe that the Federal waste in the programs is not the way to go.

Let me give an example. Some of my colleagues truly believe, they are not demagoging, they believe in Goals 2000. But as the chairman of the committee, let me tell the Members about Goals 2000. There are 45 instances in Goals

2000 that says States that mandate, it says States will. They say it is only voluntary. It is only voluntary if you do not want the money.

Let us take one of those 45 instances. My wife is a principal. You have to take all of the requirements from Goals 2000, internalize it, have a board that literally looks and sees how to run Goals 2000. They report to the principal. The principal reports to the superintendent. Then all of that paperwork goes to Sacramento, to our State Department of Education. Think of the bureaucracy in the State that has to take the flow of all the schools in the State of California. Think of that paperwork flow and all that wasted energy. Then guess what they do? They have to send it back here to River City, in Washington, DC, to another big bureaucracy.

That is wasteful, Mr. Chairman. In many cases they have to hire grant writers to apply for Goals 2000 money. The small schools in many cases never get a dime, and some that do, the cost of the grant writer, either in the little funding they get or the cost to exercise Goals 2000, is more than the grant that they get. That is cutting education, Mr. Chairman.

What we do is give the money to the State and say, listen, if you want to do a George Bush Goals 2000, let the State do it. We think Goals 2000, by setting local standards, local goals with teachers and parents and children and administrators is good. But what the real policy fight is about is if the Federal Government can manage all of that, if the Federal Government can control the dollars.

Where do they get those dollars? They keep saying the President's request. Does he get that money from God? No. He gets it from the same working families that he returns it to, at 23 cents on a dollar. Yet he wants more money to spend.

Mr. Chairman, I ask for support of this bill.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Maryland [Mr. CUMMINGS].

(Mr. CUMMINGS asked and was given permission to revise and extend his remarks.)

Mr. CUMMINGS. Mr. Chairman, I thank the gentleman from Wisconsin for yielding me time to rise in opposition to this year's spending bill for the Departments of Labor, Health and Human Services, and Education.

This measure provides inadequate funding for many of our vital programs that have proven to be beneficial to individual families, our communities and our nation as a whole.

I am deeply dismayed that this measure has taken a ''meatax'' to the Healthy Start Program. H.R. 3755 radically eliminates all funding for this program that is saving lives across the country.

Historically, my congressional district of Baltimore has experienced an exceedingly high rate of infant mortality. Many high risk areas in the city had twice the national average of infant deaths.

However with the implementation of the Healthy Start Program in 1993, Baltimore has severely reduced the number of babies born with low birth weights, and dramatically reduced the number of infant mortalities. Ours, is truly a success story.

The Baltimore Healthy Start Program is one of the most successful programs in the entire country. We have targeted the program's services to the poorest areas of the city which are at the highest risk. Baltimore's neighborhood Healthy Start program has currently serviced about 2,000 women.

The staff is mostly comprised of community residents who have been hired and trained through the program—thereby providing important employment opportunities to the community.

The staff in conjunction with the mayor's office, and the surrounding community are committed to ensuring that all babies have a strong and healthy beginning by providing important prenatal care to high risk mothers who need it most.

Mr. Chairman, I am certainly shocked that this body would attempt to pass a measure that eliminates this vital program which has proven and tangible results.

I am shocked that this body would take away the one opportunity to give our poorest and most vulnerable citizens the gift of life.

Mr. PORTER. Mr. Chairman, I am pleased to yield 4 minutes to the gentleman from New York [Mr. LAZIO].

Mr. LAZIO of New York. Mr. Chairman, I want to begin by thanking and congratulating the chairman of the committee, the gentleman from Illinois [Mr. PORTER], for what has been a remarkable job, given the conflicting desires that exist in trying to manage a bill as large as this Labor-HHS appropriations bill. He has done, as I say, a magnificent job. He has one of the toughest jobs on Capital Hill.

I want to talk to Members a bit about one program, one very important program that is in this bill that has received an historic increase, the Community Service Block Grant Program. This is a program that the President recommended no increase in. It is a program that receives in this bill a 27-percent or $100 million increase. We have never in the history of funding the community service block grants ever received an increase as large as this. It is deserved, because it encapsulates everything we are trying to do in terms of an important antipoverty program. It is one of the premier antipoverty programs within the Federal arsenal.

It is important and significant and worthy of additional funding because it does all the things we say we want to do. It leverages public dollars. Over $1 billion in non-Federal spending will exist because of the spending in the community service block grants. It ensures that there is volunteer activity. There is almost 20 million hours of volunteer activity as a result of the community service block grant programs and the community action programs that are part of the network through the community service block grants. It is a program that targets the neediest, the low-income, the people who are struggling. It facilitates nutrition programs. It helps seniors. It deals with the retired programs. It ensures that there are training programs that go forward.

Part of the money is used to ensure that there is comprehensive collaboration so money is not wasted in duplicative efforts. Only 5 percent of the money can be spent by the States. The rest of it goes down and gets to the intended targets. Get down there it does. It is a program with proven results.

This does not create bureaucracies, it empowers people. Let us save people first, and if we do it right, we will save money in the same process. In 1981, Mr. Chairman, there were over 1,000 Federal employees that helped administer this program. Do Members know how many exist right now to administer this program? Five hundred, 400, 300, 100, 50, 25? Forty-five Federal employees now administer a program that was once run by over 1,000 Federal employees. That means more money gets to the grass roots. It means more money is being used to help people at the bottom rung of the economic ladder.

It is a program that has gotten the attention of people who are deeply concerned in poverty programs and not interested in building more bureaucracies. It has gotten the attention of people who are interested in measuring results, not inputs. It has gotten the attention and support of people who are not interested in creating more patronage, but people who are interested in creating more empowerment and more opportunities for the lowest income people, lowest income Americans among us. There were over 1,000 community action agencies throughout our Nation. Over 98 percent of the counties throughout our Nation receive some form of this block grant. It goes primarily to not-for-profits, people who have dedicated their lives to ensure that they help the neediest among us.

This is a vision that we have of antipoverty programs, not to throw more spending. Again I want to commend the chairman of the committee, the gentleman from Illinois [Mr. PORTER], for funding a very important anti-poverty program in the most significant and historic way.

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Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota [Mr. VENTO].

(Mr. VENTO asked and was given permission to revise and extend his remarks.)

Mr. VENTO. Mr. Chairman, almost all of the money in this bill that is being expended is for good purposes.

The problem is not with what is in the bill, it is what is not in the bill, what is out of it. I am glad we are able to do something on community service, put $100 million in, but we take $1 billion out of LIHEAP. I am glad we are able to provide some money for education, but when someone says the Federal Government is the program, is the sum and total program for higher education, that is it. The nonprofits and others are running out.

But the real problem is that beneath the veneer of fighting for fiscal discipline and budget balance, the policy path evoked by this measure will build upon the distorted priorities of the 1996 Republican appropriation effort, in sum, adding to the human deficit in this Nation, a human deficit which is borne by those with less power, the children, the working poor, the students, and those who struggle to achieve the promise of America. The opportunity to get ahead.

Investment in people is our best American investment. It pays the greatest dividends. Yet this measure in the Republican-led House has repeatedly broken faith with our children, our workers, and, in reality, our American future. I urge my colleagues to oppose this measure for that reason.

As a teacher, as a science educator, I understand. In my district, 25 percent of the kids are Southeast Asians. They need the bilingual education. They need the help so that they can achieve the type of success and the American dream that has been the promise, the renewed promise, of this Nation. But we cannot do it because we have put 7, 8, 9, $10 billion more into Pentagon spending, because we need to have tax breaks.

What is wrong with this measure is that the money is going in other directions where it is not needed. I think it is more justified here. And if it is efficiencies and new definitions and all the other rhetoric that is going on here today in terms of what we are going to do, the fact is, the bottom line is the States are not capable of the miracle of loaves and fishes. So if we do not give them the dollars, we are going to hurt the people that we purport to be helping in this bill.

Mr. Chairman, I rise today in opposition to the fiscal year 1997 Labor, Health and Human Services, Education appropriations bill being considered today.

Investments in education, whether in our children or workers, determine a nation's standard of living and a country's ability to be competitive in the global marketplace. This legislation, like last year's spending bill, targets labor, education and job training programs for the most severe funding cuts. These types of programs, which invest in America's working families and children should not and must not be undermined.

This legislation reduces funding for elementary and secondary education programs such as Title I, Safe and Drug Free Schools and bilingual education. The cut in title I funding is in addition to the funding freeze the program endured last year, which translated into a real cut for growing school districts. Title I provides students who are falling behind their classmates additional academic help. In my district in St. Paul, MN, the title I program cannot currently reach every student who needs such assistance. Reducing funding for this program would cause even more students to fall behind in their studies, and this type of policy has consequences that reach far beyond these students' school years into their post-academic lives. We cannot ignore some students, inhibiting their success, simply because they have difficulty learning.

In the same regard, we also cannot ignore that today's school environment is becoming more violent and dangerous in many, especially but not solely urban, areas. The Safe and Drug Free Schools Program is one initiative, run in virtually every school district in the nation, working to fight that trend. However, the program after protracted debate over a 57 percent cut was finally level funded in last year's Republican budget, and the bill we are debating today proposes to reduce funding for this program by again $25 million in fiscal year 1997. This means that in fiscal year 1997, the Safe and Drug Free Schools Program will be funded at a level below its allocation in fiscal year 1995, at a time when the need for such drug, alcohol and violence preventative programs are dramatically increasing!

One other population of students who will be hurt by this legislation is immigrant children. Funding for bilingual and immigrant education programs is set to be reduced by 11 percent in this spending bill. Multiethnic communities and schools will be hit especially hard since these schools must continue providing such services with less Federal help. Investing in the education of these children is important. These children should not be left out in the cold regarding educational opportunity, unable to improve their lives and become productive members of our society.

The bill also takes aim at higher education, increasing funding for some student aid programs while eliminating or sparsely funding others. The measure modestly increases the maximum Pell grant award by $30; not enough for a book much less inflation but this bill does increase funding for the Work-Study Program. However, at the same time, the bill reduces Perkins Loan funding by 82 percent and eliminates the State Student Incentive Grant Program altogether. In a time when the cost of a higher education is skyrocketing, the need for such a degree is growing, and parents are less able to help with such expenses, we cannot afford to pull the financial rug out from under our Nation's students.

The Federal Government is the lifeline of higher education funding, States and nonprofits are stretched to the limit, yet this Congress proposes to do less compounding and cutting off opportunity for 100,000 students.

Today's workers could also lose the ability to acquire additional education and job training under this bill due to the lack of sufficient funding for such programs and services. This measure freezes spending on such programs at the fiscal year 1996 level. Our Nation benefits greatly from developing the skills and abilities of future generations of workers and allowing those workers to update that knowledge and skill. No amount of infrastructure, technology, or opportunity will help our Nation's workers and future workers if they are unable to meet the challenges of the world of work.

Another drastic provision in this measure is the reduction in funding for the Occupational Safety and Health Administration [OSHA] by $6 million from the fiscal year 1996 level in this Republican spending bill. This funding is vital to workers, whose lives, health and safety are literally at risk on the job. Each year, thousands of workers are killed on the job and millions suffer disability related injuries. The National Safety Council estimates that work-related accidents and deaths cost the Nation over $100 billion every year. Cutting the budget of the principal public entity OSHA, that attempts to reduce that figure and increase workplace safety not only is a slap in the face to every American worker who puts their health and safety on the line, but also does not make fiscal sense. Furthermore, the National Labor Relations Board [NLRB] is targeted for a 15 percent cut when combined with funding cuts from last year. This proposed reduction would cripple the NLRB's ability to adjudicate labor disputes and appears to be yet another slap at working people who seek equitable wages and work conditions based upon worker rights promised in Federal law.

I agree that we should work toward a balanced Federal budget, but there are many ways to achieve such a balance than abandoning the investments that America has long made in its working families. Not all of the cuts need to be made from people programs and surely the ideological mindset that guides these cuts cannot be glossed over by the rhetoric of budget balancing. The Pentagon, space programs, corporate welfare and natural resource giveaway are just some of the many Federal programs that should also be subject to fiscal discipline and tough choices. The price for reducing investments in America's people should not be new tax breaks for corporations and investors or increasing the defense budget to a greater level than that Department even requested. But this 104th Congress has acted repeatedly to insulate from shared sacrifice this laundry list of special interests and placed foremost for cuts the vital programs that affect health, education, job training, and the environment.

This Labor, Health and Human Services, Education Appropriations measure for fiscal year 1997 continues the assault on working Americans and families that was so vigorously waged last year. I urge my colleagues to vote ''no'' on this measure and return our Nation to one that values all of its people.

Beneath the veneer of fighting for fiscal discipline and budget balance, the policy path evoked by this measure would build upon the distorted priorities of the 1996 Republican appropriation effort, in sum, adding to the human deficit in this Nation.

A human deficit which is borne by those with less power, the children, the working poor, the students and those who struggle to achieve the promise of America; the opportunity to get ahead. Investment in people is our best American investment; it pays the greatest dividends yet this measure and the Republican-led House has repeatedly broke faith with our children, our workers, in reality our American future.

I oppose and urge Members to oppose this appropriation measure.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York [Mrs. MALONEY].

(Mrs. MALONEY asked and was given permission to revise and extend her remarks.)

Mrs. MALONEY. Mr. Chairman, I rise in opposition to this bill.

As ranking member OBEY said, ''This bill puts forth systematic disinvestment in education, health, seniors, children, women, and the list goes on.

Specifically, I would like to talk about the disastrous effects of zero funding the Healthy Start Infant Mortality Prevention Program.

By eliminating funding for Healthy Start, this bill abandons America's children.

In New York City, Healthy Start has saved lives.

From 1990 to 1994, over 70,000 women and infants have benefited from this program; the infant mortality rate dropped by 38 percent; the rate of late or no prenatal care fell 32 percent; and the number of low birth-weight babies went down.

We also know that Healthy Start is responsible for saving precious Medicaid dollars by producing healthier babies.

Mr. Chairman, if we refuse basic health care to our newborns, what kind of priorities have we set?

If we turn our backs on young mothers-to-be what kind of example have we set?

If we don't prove that we care about giving every newborn baby the opportunity to have a Healthy Start, what kind of nation are we?

Mr. Chairman, totally defunding Healthy Start is a sad example of a tragic reversal of priorities.

No one should support this bill.

The Labor/HHS bill cuts any specified funding for the Long-Term Care Ombudsman Program, which funds each State office that trains volunteers who serve as watchdogs over nursing home abuses and serve as advocates for nursing home patients.

Mr. Chairman, I rise today to stand up for the rights of seniors who live in America's nursing homes.

Today, the war on America's seniors continues as the Long-Term Care Ombudsman Program faces elimination by this Congress.

Mr. Chairman, New York State's network of 51 countywide ombudsman offices have a trained team of over 500 volunteers who protect seniors who are being abused, neglected, and mistreated in nursing homes in this State alone.

Long before this program was created in 1987, we saw rampant abuses in nursing homes—including patients being tied to their beds, drugged, and worse.

By creating the Long-Term Care Ombudsman Program, many of these problems were corrected, but we still have more work to do.

In total last year, New York's team of nursing home watchdogs handled over 10,000 complaints from nursing home residents and their advocates—at least 2,000 of them in New York City.

For those residents of long-term care facilities who have no one to protect them from mistreatment, the Long-Term Care Ombudsman is their only hope.

To eliminate funding for this important program in gross negligence on the part of this Congress.

As responsible legislators, we must provide a voice to those who are silenced by abusive conditions in our States' nursing homes.

Mr. PORTER. Mr. Chairman, I yield myself 1 minute.

The gentlewoman from New York and the gentleman from Maryland before her both have mentioned the Healthy Start program, and I want to respond to that, because they are correct, it has shown itself through demonstration to be a very good program.

The difficulty, Mr. Chairman, is that this was a program proposed by and started by the Bush administration in fiscal year 1991, funded by Congress with the clear understanding that it would be a 5-year demonstration, including evaluation, with the last year of funding to be fiscal year 1996.

We believe that the program has proved itself very adequately. The difficulty is that it should not continue as a demonstration program where it is not made available generally. Under the original conception of the program, it was to be a 5-year demonstration. That period has expired. It is time that we either fund this as a general program available broadly across the country or not fund it at all.

I think that the points made about the program are very good ones. What we have to do is come to grips with which way we are going to go on that. We cannot do this in the appropriations process.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. OLVER].

Mr. OLVER. I thank the gentleman from Wisconsin for yielding me the time.

Mr. Chairman, I guess I would just ask rhetorically to the chairman of the subcommittee from Illinois, under those circumstances, why did they not make it a general program and put money in for making it a general program? I will yield time for that answer if there is any left when I get finished.

Mr. Chairman, I rise in opposition to this bill. I could find compelling reason to oppose many features of the bill but I want to confine my comments to the field of education.

Mr. Chairman, once again this body is jeopardizing our children's future. So far the 104th Congress has cut $1.1 billion from education. This proposal cuts $400 million more. When do we say enough is enough?

Eliminating the Goals 2000 education reform, which this bill does, when academically our students lag behind virtually all our industrialized competitors, is foolish. Cutting $25 million from safe and drug free schools, which this bill does, is bad judgment. And cutting funds for reading and math assistance for students who just happen to live in desperately poor school districts, which this bill does, is without compassion as well as violates our national security.

Balancing the budget is everybody's goal but slashing education is, in my view, simply wrong. I urge my colleagues to reassess our priorities and put education first, ahead of tax cuts for the already well-off, ahead of unrequested defense spending, ahead of corporate welfare. Thereby, I urge a ''no'' vote on the bill.

Mr. PORTER. Mr. Chairman, I would inquire how much time is remaining on each side.

The CHAIRMAN. The gentleman from Illinois [Mr. PORTER] has 5 minutes remaining, the gentleman from Wisconsin [Mr. OBEY] has 6 minutes remaining. The gentleman from Illinois has the right to close.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from Texas [Ms. JACKSON-LEE].

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank ranking member OBEY for this opportunity to really offer an apology to the American people. I was hoping that as we looked at a bill that had the opportunity to really change the direction of this country, to focus on the front end and not the back end, if you will, this bill has missed its opportunity and I rose to the floor to say this is not the ''3 strikes bill and you're out,'' it is the ''multistrike bill and we're all out,'' primarily because you do not know where to start in the cuts that have come about that would help people to rise out of their condition and become independent.

We have heard so much about welfare reform and the dominance of this country in having people extend their hand to get a handout. This labor-HHS bill could have given people an opportunity never to look back and to become independent, particularly when we look at the President's youth employment training program. When we go throughout this Nation, aside from those who are attempting to get a higher education, there are those youth who have been lost between the cracks of either not finishing high school or finishing high school and being undertrained for jobs in this community. This program would have allowed us to train youth to become available and well trained for the jobs that America has to offer. This money now has been gutted. And so we are not investing in the front end, we are looking to the back end when ultimately maybe these youth will wind up being incarcerated.

The youth summer jobs program has no growth in it, although I am gratified we have saved it, this program that helps to employ some 4,000 youth in the city of Houston had to be cut. Many parents came to me and said, ''What are we going to do in training our youngsters to know what work is all about?'' And then unfortunately with a Nation that has one of the highest infant mortality rates in the western world, we cut the Healthy Start Program. There we go again with no investment in the front end, waiting on the back end results of low birth weight opportunities.

I would simply ask my colleagues to review this legislation and this appropriation bill, go to the front end and invest and not wait for the back end. Defeat this legislation so that we can treat Americans right.

Mr. Chairman, I rise to express my opposition to this legislation. I am afraid that, in its current form, this bill does not do enough to protect the quality of life for our most vulnerable citizens. This bill funds a great number of the programs and services that are relied upon by our Nation's families—our children, women, and senior citizens. I do not believe that these are the programs that we should be drastically cutting in our efforts to balance the budget. We must maintain our commitment to protect children and families, to support education and training, and to continue programs such as head start, healthy start, substance abuse prevention and treatment, and summer jobs.

LABOR PROGRAMS

This bill seriously jeopardizes worker protection by dramatically cutting programs that promote workplace safety and health, and pension security. Funding is cut by $129 million below the President's request and $83 million below the amount needed to maintain last year's operating level. The Pension and Welfare Benefit Administration is provided with only $65.8 million, which is a $1.3 million cut from the current funding level and $19.7 million below the President's request.

One of the best known worker protection agencies is the Occupational Safety and Health Administration [OSHA], is cut by over $6 million. This bill would specifically reduce Federal enforcement of workplace safety by $4,765,000. OSHA enforces this Nation's labor protection laws and as a law enforcement authority it may not be popular with the law breakers, but for those they serve and protect everyday do not want this Congress under valuing their life or health.

When my colleagues speak so passionately about the American taxpayer, there are speaking about people that the Department of Labor should be in the business of protecting and whose pension plans should be assured of solvency when they are needed. That is the least the working American taxpayer should expect from the 104th Congress.

This bill would also zero out funding for the President's new youth employment training program, the Opportunity Areas for Out-of-School Youth. The President only requested $250 million to help address the special employment training problems faced by many of our Nation's youth.

This legislation will once again shortchange our youth through the underfunding of the Youth Summer Jobs Program for fiscal year 1997. The $625 million appropriated is the same level funded for this fiscal year. At this level of funding only 442,000 youth can be served while those in need number over 600,000.

HEALTH AND HUMAN SERVICES DEPARTMENT

This bill would eliminate funding for the healthy start program, which is designed to reduce the Nation's high infant mortality rate. Now is not the time to dismantle this critical life saving program. The United States has the highest infant mortality rate of 22 industrialized nations. Furthermore, while low birthweight babies represent 7 percent of all births, they account for 57 percent of the cost of care for all newborns. Long term health care costs for a low birth weight baby can reach $500 thousand, while prenatal care to prevent low birth weight costs as little as $750.00. Clearly, we must continue this important program.

I am concerned that this bill includes less funding for the Centers for Disease Control's National Center of Injury Prevention and Control. This important program focuses on motor vehicle accidents, falls, fires, poisoning, drowning and violence including homicide, suicide and domestic violence.

Similarly, the bill provides less funding for the Substance Abuse an Mental Health Services Administration. The amount ($1.85 billion) is an aggregated cut of $33.9 million below the current funding level and is $248 million below the administration's request. The $38.4 million fiscal year 1997 funding cut for substance abuse treatment is compounded by the fact that funding for treatment was gutted 60 percent, or $148 million in fiscal year 1996. As a result of this decrease in funding, 5 million at-risk youth will be denied the substance abuse prevention services they need.

The $3.6 billion provided for the Head Start Program is $381 million less than the administration's request. This program currently serves less than half of the estimated 2 million children eligible for head start services. At the level provided in this bill up to 15 thousand head start slots would be eliminated next year.

This bill provides only $900 million for the Low-Income Home Energy Assistance Program [LIHEAP], which provides assistance to low-income households in meeting the costs of home energy. This is $100 million less than the administration's request. Furthermore, the bill does not appropriate any of the $1 billion requested for fiscal year 1998. The advance appropriation is critical to States' budgeting and planning and allows them the time necessary to determine the program eligibility rules.

This bill includes a large cut in funding for the Administration on Aging, including the elimination of all funds for aging research, training and special projects which will hamper local communities' ability to improve, develop and test innovative solutions. Similarly, the amount of funding provided for the Social Services Block Grant is still $320 million below the entitlement level of $2.8 billion required by current law, and requested by the administration. For States that do not provide additional funding for social services, the impact will be especially severe as this program, includes support for protective services for children and adults, home-based care, and child care.

This bill does not include the $30 million the administration requested for a concentrated teen pregnancy initiative, which would have been invested in comprehensive interventions to provide opportunities for young people to take responsibility, increase their life skills and to become contributing members of society. The U.S. has the highest rate of teen pregnancy of any industrialized country. Addressing this problem is key to reforming the Nation's welfare system.

I am pleased that this bill increases funding for the National Institutes of Health, however the $1.4 billion provided for AIDS is provided at the institute level rather than in a single appropriation to the Office of AIDS Research as requested by the administration and as consistent with the NIH Revitalization Act.

EDUCATION

The bill does nothing to address what nearly everyone agrees is our most important task—educating our children. Funding for Goals 2000 is eliminated. The program is currently $350 million and the President requested $491 million for Goals 2000 in fiscal year 1997. This program strives to raise academic standards and encourage students to work hard to meet them. Now it not the time to scale back on improving education standards for children across the Nation.

This bill freezes Title 1 grants to local education agencies at $6.73 billion. This means that given inflation and increased operating costs, fewer funds will be available to provide students the assistance they need in basic reading and math skills. Title 1 currently provides supplemental funding to 50 thousand schools serving nearly 7 million disadvantaged students nationwide. Under Title 1, disadvantaged students are provided the assistance they need to achieve the same high standards as other children.

This bill cuts the Safe and Drug Free School Program by $25 million compared with fiscal year 1996 and $99 million less than requested by President Clinton. In this time of increased crime, violence, and drug abuse, we must help our schools become safe havens where children can learn and study free from the dangers of these afflictions.

For college students, the bill eliminates aid for the Federal Perkins Loan capital contribution account. In fiscal year 1996, $93.3 million was provided for this program. In almost every other educational program—Adult and Vocational education, Special Education Grants for Children with Disabilities, Bilingual and Immigrant education, Pell Grants, Charter Schools and many others—the funding levels in this bill are far below the level requested by President Clinton.

The priorities of this bill are out of line with common sense. All participants agree that balancing the budget is a goal that we all share. However, we must also invest in our children and their future. There is no use in passing on a balanced budget to our children if we deprive them of the education that is necessary in order for them to take the mantel of leadership.

Mr. PORTER. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. WELDON].

(Mr. WELDON of Pennsylvania asked and was given permission to revise and extend his remarks.)

Mr. WELDON of Pennsylvania. Mr. Chairman, I want to commend Chairman PORTER for the outstanding job he did with this piece of legislation. Make no mistake about it, people on both sides of the aisle here have the same ultimate purpose. We want to help kids. We want to make sure kids have a chance to go to college. We want to help protect our workers. We want to make sure that education is a key priority. We agree on that. My personal experience as someone who went to school on a student loan and could not have gone otherwise, as someone who taught in a public school for 7 years and in an urban depressed school district and as someone who ran a Federal title I program for 3 years, I think I know something about some of the programs we are talking about.

There is a key difference, Mr. Chairman, between what the administration wants and what this Congress wants. The difference is that the administration wants to empower the bureaucracy and we want to empower people. It is very simple and very fundamental. We heard in the debate on the other side from our more liberal friends that there is no help for job training, for housing assistance, for energy assistance, for child care, for homeless shelters, for health care for the poor and for housing rehab, to name a few. What they did not say, Mr. Chairman, is that this bill increases the community service block grant by the single largest amount in the program's history since 1981, $100 million, Mr. Chairman. Where is the rhetoric coming from the other side in the largest single increase in this program's history? And where is the acknowledgment, Mr. Chairman, on the other side that this will allow us to assist 2.1 million more people than we assisted last year to a total of 10.3 million? And where is the information from the other side about the leveraging of another $267 million of private sector investment which is what all 1,200 community action agencies across the country do in every one of our Members' districts.

This is a good bill. It is a key difference between what the liberals want and what we want. We want to empower people. We want to empower grassroots decisionmakers. We want to empower those people who are involved in community action agencies like the one I started in my county back in 1979 which has grown to a $14 million a year agency providing all of these services.

I say vote ''yes'' for this bill and I thank the gentleman from Illinois [Mr. PORTER].

Mr. PORTER. Mr. Chairman, I yield 1 minute to the gentleman from Georgia [Mr. KINGSTON], a member of the full committee.

Mr. KINGSTON. Mr. Chairman, as I went back through the CONGRESSIONAL RECORD and looked at what the Democrats had to say about this bill last year, it was just absolutely ridiculous, offbase political rhetoric, just like we are hearing this year: war on children, mindless, mean-spirited package. It is the same old thing. The Democrats want to smoke but they do not want to inhale. They want to cut the budget but not here, not this bill, not now, not this group.

The fact is, my Democrat friends, that money is not always the solution. Just one particular case, one small example: Since 1970 per-student spending in America has increased from $4,000 to $7,000 per student. Yet during that same period of time SAT scores have fallen from 937 points in 1972 to 902 points in 1994.

Money, money, money is not always the answer. So let us try to put our investments in programs that work, cut out the Washington bureaucracy, empower the people back home, and pass this bill.

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Mr. OBEY. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I want to make clear we have absolutely no quarrel with the distinguished chairman of the subcommittee, the gentleman from Illinois [Mr. PORTER]. He has done a fine job under the circumstances, and I honestly believe his heart is in the right place. The problem, frankly, as we see it, is simply that the budget priorities of Speaker GINGRICH and the majority party in this House are simply wrong. They say, oh, it is okay to give $11 billion more than the President or the Pentagon is asking for the Pentagon; but, oh, by the way, we have got to balance the budget.

So what did they do? They put us on a 6-year track that will knock one million kids off the most important program supported by the Federal Government to teach kids to read and to help them to master science and mathematics. They cut the Eisenhower teacher training program, an immensely popular program with any teacher in any district who is interested in improving his or her ability to convey information to children.

They zero out Perkins loans. They, in fact, in the education area provide over the next 6 years—and this is the first step in that process—they provide 20 percent less in real deliverable program support for education over that time period at the very time when student populations are rising after a long time when those student populations were declining. They say, oh, we must make up for inflation when we appropriate funds to the Pentagon; but, oh, no, there is no need to make up for the cost of inflation when we are dealing with education. I find that separation and logic to be an extremely interesting revelation in terms of the respective priorities of the parties.

The majority party says we should honor work. I agree with that. I worked hard all my life. So did my kids. So did most other people in this Chamber. But after they say we should honor work, what do they do? They cut the National Labor Relations Board by 15 percent so they limit the ability of that agency in a severe way to protect worker health, to protect worker safety, to protect the integrity of worker pension plans, and to enforce the law that guarantees that workers will be treated fairly and squarely on wages and hours.

They drive a billion-dollar hole through a crucial program that provides assistance to low-income elderly and low-income individuals under the low-income heating assistance program. Then they brag about putting 10 percent of that money back by way of community service block grants.

I take a back seat to no one in my support for community service block grants. For year after year after year on that subcommittee, it was DAVE OBEY who pushed that program against many times almost unanimous opposition on the Republican side of the aisle and some opposition on my own side of the aisle. So I take a back seat to no one in my pleasure that that program is finally getting a justifiable increase. But do not pretend that that tiny increase for that program makes up for the deep-sixing that my colleagues are doing on so many other initiatives to help the very same people that that program is aimed at.

I thank God for small favors, and I thank the subcommittee chairman, but I do not get overly excited about it. I would simply say that this bill, more than any other, as Bill Natcher used to say, this bill more than any other is meant to help meet the needs of workers and people. We should not be squeezing it, as this proposal does.

Mr. PORTER. Mr. Chairman, I yield my remaining time to the gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I really want to acknowledge Chairman PORTER and the members of the subcommittee for their efforts on a very difficult bill. While I have some concerns with some of the programs in terms of the education area, I do appreciate the chairman's work to develop a fair bill that funds so many critical programs. I am strongly supportive of the 6.5 percent increase in overall funding for research at the National Institutes of Health. I know of no Member of Congress with a greater commitment to biomedical research than Chairman PORTER. And as the representative in Congress for the NIH, I greatly appreciate his strong support in protecting the integrity of the NIH professional judgment budget.

I also commend him for his efforts to ensure that Congress does not interfere with funding priorities established by the scientific community. In that regard, the Office of AIDS Research at NIH continues to plan for AIDS research, which is conducted among the

24 institutes, also centers and divisions at NIH. The committee has provided report language that clearly recognizes the integral role which the NIH Office of AIDS Research plays in coordinating AIDS research. I believe there is a critical need for the OAR to have sufficient budgetary authority to effectively manage AIDS research dollars, and I look forward to continuing to work with Chairman PORTER and the committee to see that OAR be granted the budgetary authority it needs to manage the AIDS programs across the NIH. Such authority, which has been strongly endorsed in an external evaluation of the NIH's AIDS program by our Nation's leading scientists, will ensure accountability in spending AIDS research dollars.

I commend the chairman of the committee for including funding increases for AIDS research and prevention and the Ryan White Care Act. I also appreciate the inclusion of report language that I submitted again this year expressing the importance of continued funding for research on microbicides.

Mr. Chairman, I guess there is no more time left, but I want to comment on continued support for the violence against women program and the increased funding for breast and cervical cancer research.

Mr. Chairman, I want to acknowledge Chairman PORTER and the members of the subcommittee for their efforts on a very difficult bill. While I have concerns with the funding levels for education, I do appreciate the chairman's work to develop a fair bill that funds so many critical programs.

I am strongly supportive of the 6.5 percent increase in overall funding for research at the National Institutes of Health. I know of no Member of Congress with a greater commitment to biomedical research than Chairman PORTER, and, as the Representative in Congress for the NIH, I greatly appreciate his strong support in protecting the integrity of the NIH professional judgment budget. I also commend him for his efforts to ensure that Congress does not interfere with funding priorities established by the scientific community.

In that regard, the Office of AIDS Research [OAR] at NIH continues to plan for AIDS research, which is conducted among the 24 institutes, centers, and divisions at NIH. The committee has provided report language, similar to the report language provided in fiscal year 1996, defining the authority of the OAR. While I am pleased that the committee has continued to provide limited transfer authority to the OAR, I remain convinced that AIDS research funding at NIH can best be managed through providing maximum budgetary authority, in the form of a consolidated appropriation, to the OAR.

During the past year, a group of highly respected leaders in the biomedical research community conducted a thorough evaluation of AIDS research funding at NIH. This group, which was chaired by Dr. Arnold Levine of Princeton University, released a report in March 1996, which included recommendations to strengthen the management, oversight, and accountability of AIDS research funding among the 24 institutes, centers, and divisions, involved in AIDS research at NIH.

Dr. Levine's working group has provided specific recommendations regarding scientific priorities and improved coordination of AIDS research activities, and has recommended that Congress provide the OAR with maximum budgetary and management authority.

I believe strongly that Congress has a responsibility to ensure that our biomedical research dollars are being spent in a well-managed, coordinated fashion. Decisions relating to the provision of budget authority to the OAR should be made in the interests of the best possible management of scientific resources. As the committee works to reconcile differences with the other body later this fall, I urge the committee to re-think their position on the level of budgetary and management authority provided to the OAR, and to use the Levine Report, with an eye toward achieving the most effective possible management of AIDS research funding.

I commend the chairman and committee for including funding increases for AIDS research, prevention, and the Ryan White CARE Act. I also appreciate the inclusion of report language I submitted again this year expressing the importance of continued funding for research on microbicides for STD/HIV prevention and the Women's Interagency HIV Study, two research priorities for women in the HIV epidemic.

I am also pleased with the continued support for the Violence Against Women Act programs, and the increased funding for women's health research and services.

As a former teacher, I believe that education must be one of our top priorities. I am concerned that this bill cuts another $400 million from public education programs.

Violence in our Nation's schools and student drug use are among the top concerns of most Americans. Yet, this legislation cuts $25 million from the Safe and Drug Free Schools program. The number of students served by the Individuals With Disabilities Act [IDEA] is increasing. Yet, this bill freezes, at last year's level, funding for special education grants to the States. That means that States will get even less Federal assistance with the burgeoning costs of educating children with disabilities.

I also oppose the portion of the bill that prohibits funds from being used to benefit persons not lawfully within the United States. School officials throughout the U.S. would then be required to determine the citizenship status of every student and their parents. This would create a paper nightmare, and would turn local school districts into mini-immigration services.

Most immigrants, documented or not, most likely will remain in the United States. If we do not educate these individuals, they will end up on the streets. Instead of contributing to the tax base of our society, these children would only add to the long-term problems of homelessness and crime.

The future of our country is linked to the quality of education that we afford our children. It is in the national interest to assist States and local governments to provide the best possible education for our Nation's students.

I look forward to working with the chairman to increase funding for these programs in conference, and I appreciate his skill and sensitivity toward meeting the tremendous needs addressed in this critical bill.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

The Chairman, of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment and may reduce to not less than 5 minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device without intervening business, provided that the time for voting by electronic device on the first in any series of questions shall be not less than 15 minutes.

The Clerk will read.

The Clerk read as follows:

H.R. 3744

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1997, and for other purposes, namely:

TITLE I—DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

For expenses necessary to carry into effect the Job Training Partnership Act, as amended, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by the Job Training Partnership Act; the Women in Apprenticeship and Nontraditional Occupations Act; the National Skill Standards Act of 1994; and the School-to-Work Opportunities Act; $4,171,482,000 plus reimbursements, of which $3,297,011,000 is available for obligation for the period July 1, 1997 through June 30, 1998; of which $73,861,000 is available for the period July 1, 1997 through June 30, 2000 for necessary expenses of construction, rehabilitation, and acquisition of Job Corps centers; and of which $175,000,000 shall be available from July 1, 1997 through September 30, 1998, for carrying out activities of the School-to-Work Opportunities Act: *Provided,* That 450,000,000 shall be for carrying out section 401 of the Job Training Partnership Act, $65,000,000 shall be for carrying out section 402 of such Act, $7,300,000 shall be for carrying out section 441 of such Act, $2,530,000 shall be for all activities conducted by and through the National Occupational Information Coordinating Committee under such Act, $850,000,000 shall be for carrying out title II, part A of such Act, and $126,672,000 shall be for carrying out title II, part C of such Act: *Provided further,* That no funds from any other appropriation shall be used to provide meal services at or for Job Corps centers: *Provided further,* That funds provided to carry out title III of the Job Training Partnership Act shall not be subject to the limitation contained in subsection (b) of section 315 of such Act; that the waiver allowing a reduction in the cost limitation relating to retraining services described in subsection (a)(2) of such section 315 may be granted with respect to funds from this Act if a substate grantee demonstrates to the Governor that such waiver is appropriate due to the availability of low-cost retraining services, is necessary to facilitate the provision of

needs-related payments to accompany long-term training, or is necessary to facilitate the provision of appropriate basic readjustment services; and that funds provided to carry out the Secretary's discretionary grants under part B of such title III may be used to provide needs-related payments to participants who, in lieu of meeting the requirements relating to enrollment in training under section 314(e) of such Act, are enrolled in training by the end of the sixth week after grant funds have been awarded: *Provided further,* That service delivery areas may transfer funding provided herein under authority of titles II–B and II–C of the Job Training Partnership Act between the programs authorized by those titles of that Act, if such transfer is approved by the Governor: *Provided further,* That service delivery areas and substate areas may transfer funding provided herein under authority of title II–A and title III of the Job Training Partnership Act between the programs authorized by those titles of that Act, if such transfer is approved by the Governor: *Provided further,* That, notwithstanding any other provision of law, any proceeds from the sale of Job Corps center facilities shall be retained by the Secretary of Labor to carry out the Job Corps program.

AMENDMENT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. OBEY:

On page 2, line 14, after the dollar amount, insert the following: ''(reduced by $5,000,000)''.

On page 2, line 15, after the dollar amount, insert the following: ''(reduced by $5,000,000)''.

On page 3, line 4, after the dollar amount, insert the following: ''(reduced by $5,000,000)''.

On page 10, line 1, after the dollar amount, insert the following: ''(increased by $5,000,000 for sweatshop enforcement in the garment industry)''.

Mr. OBEY. Mr. Chairman, I ask unanimous consent to take my name off the amendment and replace it with the gentlewoman from New York [Ms. VELÁZQUEZ].

The CHAIRMAN. The gentleman from Wisconsin will have to withdraw the amendment and have the gentlewoman offer the amendment on her own.

Mr. OBEY. Mr. Chairman, we have had a timing problem here.

Mr. Chairman, I ask unanimous consent to withdraw the amendment so it might be reoffered by the original author, the gentlewoman from New York [Ms. VELÁZQUEZ].

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

AMENDMENT OFFERED BY MS. VELÁZQUEZ

Ms. VELÁZQUEZ. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. VELÁZQUEZ:

On page 2, line 14, after the dollar amount, insert the following: ''(reduced by $5,000,000)''.

On page 2, line 15, after the dollar amount, insert the following: ''(reduced by $5,000,000)''.

On page 3, line 4, after the dollar amount, insert the following: ''(reduced by $5,000,000)''.

On page 10, line 1, after the dollar amount, insert the following: ''(increased by $5,000,000 for sweatshop enforcement in the garment industry)''.

Ms. VELÁZQUEZ. Mr. Chairman, we cannot pick up a newspaper, turn on the radio or television without seeing the names and faces of celebrities caught using sweatshop labor to produce their signature line of goods. Last month it was Kathie Lee Gifford; then it was Michael Jordan; and next week, it will be someone else. The fact of the matter is, sweatshops are a very serious problem throughout the United States.

As sweatshops have spread like wildfire, Congress has turned a blind eye and ignored this problem. This has caused millions of workers and American businesses to suffer.

My amendment takes the first step to rectify this national disgrace, by restoring funds to the Department of Labor to fight sweatshops, across this country. It provides $5 million to the Wage and Hour Division, to specifically fight sweatshop violations in the garment industry. To pay for this, we would transfer $5 million from the Jobs Training Partnership Act, that was funded at $25 million over its fiscal year 1996 level. Both of these efforts serve to help disadvantaged workers. We must provide these professionals, who are on the front lines of this battle, a fighting chance. In recent years, the Wage and Hour Division has seen its budget slashed, while the number of sweatshops have skyrocketed.

From New York to Los Angeles, all across this country, millions are being exploited by unscrupulous employers. In California and New York, studies have found that over half of all garment factories currently operating are sweatshops. Most shocking of all is how society's most vulnerable—our children—are being abused. How can we permit these people to be treated like this?

My colleagues, fly-by-night kingpins open sweatshops for just a few months and then close without warning. They collect money from manufacturers and pay workers a pittance—if anything at all. Then, as quickly as they appear, they disappear with the cash—only to open again somewhere else under a new name, to start the cycle of despair all over again. They operate a classic shell game, with women, immigrants and children as their pawns. These crooks must be stopped and we must begin by adopting this amendment.

Take a good look at this picture of workers in sweatshops. Note how the workers are hunched over their machines, how dirty and crowded the factory is. In many cases, women and children work behind bars and barbed wire that seem more like a prison than a workplace. I have seen first-hand the suffering these workers are forced to endure. This exploitation has left many maimed, blinded and scarred from a life in these sweatshops.

How would you feel if your child, your mother, or your sister was forced to work 60 hours a week, and only be paid a couple of dollars an hour? What if they were forced to work in a factory like this—crowded, filthy and with emergency exits that were blocked? What if they told you that they dared not complain for fear of being fired—worse yet, they worked even when sick for fear of losing their job and having no income.

The individuals slaving away in sweatshops are not the only ones forced to suffer. Legitimate American businesses and their employees are also victims, unfairly forced to compete against sweatshops. By allowing sweatshops to operate, in our own backyard, we are allowing the livelihood of many to be stolen. By supporting efforts to combat this problem, we are ensuring a level playing field and simple fairness for our workers and American businesses.

By adopting this amendment, we have a rare opportunity to help workers, businesses, and to support American-made products. This amendment is supported by labor groups, like UNITE, which represent workers. It is supported by business groups, like the National Knitwear and Sportswear Association, which represent manufacturers. This amendment is truly a win-win situation for everyone.

If you think this issue does not affect you or your district, think again. There may be people in this Chamber today that are wearing clothes made in sweatshops. If you shopped in stores like J.C. Penney or Macy's, or purchased a pair of Air Jordans, you are guilty of adding to this problem.

Let's show the American people and the world that Congress is no longer going to turn a blind eye and keep this dirty little secret, here or abroad. I urge you to vote ''yes'' on this amendment.

□ 2045

Mr. PORTER. Mr. Chairman, I rise in support of the amendment. We believe that this amendment addresses a very serious problem.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, we likewise congratulate the gentlewoman for offering the amendment, and support the amendment on this side.

Ms. ROYBAL-ALLARD. Mr. Chairman, I rise in strong support of the Velázquez amendment to restore funding to the Department of Labor's wage and hour division and Department of International Labor Affairs. These funds are critical to the Department's ongoing efforts to combat worksite safety and fair labor standards violations, particularly in the garment industry.

Most Americans are aware of the recent news reports documenting sweatshop abuses in foreign nations. We have heard about the rampant wage exploitation of hundreds of thousands of workers—many of whom are children who produce popular American consumer goods and designer products, while laboring under inhumane working conditions.

However, many Americans are not aware of the fact that similar abuses are occurring daily

in places like Los Angeles, New York, Miami, and Texas. The unfortunate reality is that despite our Nation's historic tradition of protecting workers and the voluntary compliance efforts by reputable garment contractors, sweatshop exploitation is a pervasive problem in America. It is estimated that more than 7,000 garment shops nationwide can be classified as sweatshops.

There are numerous examples of the nature and extent of the problem. In August of last year, the raid of a garment sweatshop in El Monte, CA, exposed the working conditions of 70 immigrants enslaved in a factory ringed with razor wire. More recently, a February raid in Irvine, CA, found workers routinely working 12-hour shifts, locked in a windowless room with a single fire escape. In Dallas, a sweep of 11 garment shops found that 82 percent of these businesses were in violation of Federal labor laws. This is nothing less than a national disgrace.

The Department of Labor's wage and hour division and International Labor Affairs Department are important lines of defense against sweatshops. Currently, the wage and hour division is combining an aggressive enforcement strategy with an educational program that encourages retailers, manufacturers, unions, and consumer groups to work in partnership to address the problem. Limited resources, however, have cut the number of investigators at the wage and hour divisions by 18 percent at a time when the workload of the division has expanded to include the monitoring of over 110 million workers in 6.5 million workplaces. The funding reductions contained in this bill hampers their ability to police the garment industry, protect workers, and ensure their workplace safety.

I urge my colleagues to support our efforts to fight sweatshop abuses by voting in favor of the Velázquez amendment.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York [Ms. VELÁZQUEZ].

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

(TRANSFER OF FUNDS)

To carry out the activities for national grants or contracts with public agencies and public or private nonprofit organizations under paragraph (1)(A) of section 506(a) of title V of the Older Americans Act of 1965, as amended, or to carry out older worker activities as subsequently authorized, $242,450,000.

To carry out the activities for grants to States under paragraph (3) of section 506(a) of title V of the Older Americans Act of 1965, as amended, or to carry out older worker activities as subsequently authorized, $130,550,000.

The funds appropriated under this heading shall be transferred to the Department of Health and Human Services, ''Aging Services Programs'' following the enactment of legislation authorizing the administration of the program by that Department: *Provided,* That the funds shall be available for obligation for the period July 1, 1997 through June 30, 1998.

FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

For payments during the current fiscal year of trade adjustment benefit payments and allowances under part I, and for training, for allowances for job search and relocation, and for related State administrative expenses under part II, subchapters B and D, chapter 2, title II of the Trade Act of 1974, as amended, $324,500,000, together with such amounts as may be necessary to be charged to the subsequent appropriation for payments for any period subsequent to September 15 of the current year.

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

For authorized administrative expenses, $132,279,000, together with not to exceed $3,096,111,000 (including not to exceed $1,653,000 which may be used for amortization payments to States which had independent retirement plans in their State employment service agencies prior to 1980, and including not to exceed $2,000,000 which may be obligated in contracts with non-State entities for activities such as occupational and test research activities which benefit the Federal-State Employment Service System), which may be expended from the Employment Security Administration account in the Unemployment Trust Fund, and of which the sums available in the allocation for activities authorized by title III of the Social Security Act, as amended (42 U.S.C. 502–504), and the sums available in the allocation for necessary administrative expenses for carrying out 5 U.S.C. 8501–8523, shall be available for obligation by the States through December 31, 1997, except that funds used for automation acquisitions shall be available for obligation by States through September 30, 1999; and of which $132,279,000, together with not to exceed $701,369,000 of the amount which may be expended from said trust fund, shall be available for obligation for the period July 1, 1997 through June 30, 1998, to fund activities under the Act of June 6, 1933, as amended, including the cost of penalty mail made available to States in lieu of allotments for such purpose, and of which $260,573,000 shall be available only to the extent necessary for additional State allocations to administer unemployment compensation laws to finance increases in the number of unemployment insurance claims filed and claims paid or changes in a State law: *Provided,* That to the extent that the Average Weekly Insured Unemployment (AWIU) for fiscal year 1997 is projected by the Department of Labor to exceed 2,828,000 an additional $28,600,000 shall be available for obligation for every 100,000 increase in the AWIU level (including a pro rata amount for any increment less than 100,000) from the Employment Security Administration Account of the Unemployment Trust Fund: *Provided further,* That funds appropriated in this Act which are used to establish a national one-stop career center network may be obligated in contracts, grants or agreements with non-State entities: *Provided further,* That funds appropriated under this Act for activities authorized under the Wagner-Peyser Act, as amended, and title III of the Social Security Act, may be used by the States to fund integrated Employment Service and Unemployment Insurance automation efforts, notwithstanding cost allocation principles prescribed under Office of Management and Budget Circular A–87.

AMENDMENT OFFERED BY MR. STUMP

Mr. STUMP. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. STUMP: Page 6, line 5, insert ''(reduced by $3,800,000)'' after the first dollar amount.

Page 18, line 15, insert ''(increased by $3,800,000)'' after the dollar amount.

(Mr. STUMP asked and was given permission to revise and extend his remarks.)

Mr. STUMP. Mr. Chairman, I offer this amendment for myself, the gentleman from Mississippi [Mr. MONTGOMERY], the ranking member of the Veterans Affairs Committee; the gentleman from New York [Mr. SOLOMON], the distinguished chairman of the Rules Committee; the gentleman from Indiana [Mr. BUYER], the chairman of the Subcommittee on Education, Employment and Training; and the gentleman from Florida [Mr. MICA], the chairman of the Civil Service Subcommittee.

Our amendment would increase the funds available for administration of the Veterans Employment and Training Service by $3.8 million.

This increase would be offset by a reduction in funding from the national activities account of the Employment Service.

Mr. PORTER. Mr. Chairman, will the gentleman yield?

Mr. STUMP. I yield to the gentleman from Illinois.

Mr. PORTER. Mr. Chairman, I thank the chairman for yielding and for offering the amendment. We support the amendment very strongly and have no objection to it.

Mr. STUMP. Mr. Chairman, reclaiming my time, I thank the gentleman.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. STUMP. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, we likewise think the amendment of the gentleman is a good one and accept it on this side of the aisle.

Mr. STUMP. Mr. Chairman, I thank the gentleman from Wisconsin and thank the chairman.

Mr. Chairman, the Veterans' Affairs Committee has worked hard this Congress to improve the operations of the Veterans Employment and Training Service and employment opportunities for veterans. And one again, we've done it in a bipartisan manner.

We've had great cooperation from the Economic and Educational Opportunities Committee, the Subcommittee on Civil Service, and the Labor Appropriations Subcommittee. This amendment would make a small but important addition to the bipartisan work already accomplished.

Veterans preference and reemployment rights are important benefits. For many veterans, they may be the only benefits ever used.

Simply put, at a time when the Federal government is down sizing, we must ensure that veterans preference laws are followed. These funds would also ensure that veterans reemployment rights are vigorously enforced in both the public and private sectors. This is vital at a time when we rely so heavily on our National Guard and Reserve forces.

Mr. Chairman, this amendment will allow the Veterans Employment and Training Service to meet its expanding enforcement responsibilities, fulfill its Transition Assistance program training requirements, and find thousands more jobs for veterans.

I strongly urge my colleagues to support the Stump amendment.

Mr. MONTGOMERY. Mr. Chairman, I am pleased to support the Stump amendment to increase funding for the Department of Labor's Veterans' Employment and Training Service

[VETS]. Although this amendment would increase the VETS appropriation by only $3.8 million, this modest amount will significantly enhance the ability of VETS staff to provide employment services to veterans. The amendment would provide an additional $2.8 million for the veterans administration account. This will bring that account up to the funding level requested by the President. The additional $1 million will be used to fund new positions for investigators who will ensure that Federal and State governments and private employers meet their responsibilities to veterans.

The Veterans' Employment and Training Service, under the expert leadership of Assistant Secretary Preston Taylor, has done a great job helping veterans find good, permanent employment. VETS staff have also trained hundreds of thousands of separating service members how to make a smooth transition to life in the civilian community and workplace. I appreciate Assistant Secretary Taylor's hard work and commitment, as well as that of his entire staff. The men and women in VETS are dedicated to assisting and supporting our Nation's veterans. Congress must give them the tools they need to accomplish their goals.

I urge my colleagues to support the Stump amendment.

Mr. FILNER. Mr. Chairman and colleagues, I rise to express my strong support for the amendment to the Labor/HHS/Education Appropriations bill offered by the Chairman of the Veterans' Affairs Committee [Mr. STUMP]. Under this provision, $3.8 million would be added to the funding level for the Department of Labor's Veterans' Employment and Training Service and $2 million for the Homeless Veterans Reintegration Program.

On June 18, I spoke about my deep distress when the Labor/HHS/Education Appropriations Subcommittee slashed veterans' employment funding by almost $12 million below the level recommended by President Clinton—far below the level of funding that is needed to place our veterans into permanent, good-paying jobs. I shared with my colleagues the fact that 28,000 fewer veterans would be placed in jobs than proposed in the President's budget. I called attention to the Republicans' recommendation that the transition assistance program be terminated, a successful program that has trained hundreds of thousands of men and women so that they could quickly find good civilian jobs upon leaving the Armed Forces.

Fortunately, most members of the Full Appropriations Committee heard these concerns expressed, not only by me but by many other veterans supporters. An amendment offered by Mr. OBEY to restore most of the funding was approved.

This amendment, which we are now considering, will go a step further and fully restore veterans' employment funding to the level originally requested by the President. I thank the Chairman of the Veterans' Affairs Committee for this responsible amendment, and I urge my colleagues to support it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona [Mr. STUMP].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. CHRYSLER

Mr. CHRYSLER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CHRYSLER:

Page 6, line 5, after the first dollar amount, insert ''(decreased by $2,399,000)''.

Page 38, line 8, after the dollar amount, insert ''(increased by $2,399,000)''.

Mr. OBEY. Mr. Chairman, I reserve a point of order against the amendment. We do not have a copy of the amendment. We were not aware this was going to be offered. I would appreciate it if we can get a copy.

The CHAIRMAN. The gentleman reserves a point of order against the amendment.

Mr. CHRYSLER. Mr. Chairman, almost 4 million women were physically abused by their husbands or boyfriends in the last year. We owe it to those abused women to take a stand against domestic violence.

Domestic violence accounts for more than one-third of all emergency room visits by women. We owe it to those injured women to take a stand against domestic violence.

Child abuse is fifteen times more likely to occur in families where domestic violence is present. We owe it to those abused children to take a stand against domestic violence.

I appreciate the chairman's work to increase funding for domestic violence programs in the committee bill. Overall, the Violence Against Women Act programs are increased in the appropriations bill by over $8 million, to a total of $61 million.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. CHRYSLER. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, let me say, now that we have a copy of the amendment, I now understand what it is that is being offered and we have no objection to it on this side of the aisle.

I understand that the gentleman from Illinois [Mr. PORTER], on the majority side, also has no objection to it.

Mr. Chairman, I withdraw my reservation of a point of order.

Mr. CHRYSLER. Mr. Chairman, reclaiming my time, within the Violence Against Women Act programs is a special program that is very dear to me and the people of the eighth District of Michigan. I am referring to the battered women's shelter programs administered through the Department of Health and Human Services.

Although the committee has increased the dollars for battered women's shelters, my amendment would give the program an additional $2.4 million to fully fund the program at the President's request.

In my home town in Michigan, the LACASA women's shelter provides hundreds of abused women and their children shelter, food, and counseling. For many years, my wife Katie and I have worked arm in arm with the dedicated workers and volunteers of LACASA to find the scarce resources to keep their shelter operations continue. I am now in a position to do more as a congressman, and I intend to.

It's time for this abuse to stop. These women and children need our help, and they need our help now because there is simply no tomorrow for some of them.

Even with the hard work and dedication of groups like LACASA that are working for women around the country, the need for more services and more Federal dollars continues to increase. In Michigan, for instance, the nights of shelter provided each year to abused women has increased 23 percent since 1991.

However, even with these increased services in Michigan, the number of domestic violence victims denied shelter since 1991 has increased 25 percent.

This is one area of service where it seems we cannot do enough. When abused women and children need to get themselves out of terribly abusive relationships, they need to act quickly. We must provide a secure safehouse for battered women and their children. We must provide for them today.

My amendment takes another step forward to provide all the help we can to the women and children who most need it. I urge my colleagues on both sides of the aisle to support my amendment to fully fund the battered women's shelter programs within the Violence Against Women Act.

Mr. PORTER. Mr. Chairman, will the gentleman yield?

Mr. CHRYSLER. I yield to the gentleman from Illinois.

Mr. PORTER. Mr. Chairman, I want to commend the gentleman from Michigan for his leadership and dedication to the prevention of domestic violence, to the providing of help for victims of domestic violence, and particularly his commitment to providing for battered women's shelters. I believe he is showing the kind of leadership that we really need to have in Congress to address this very serious problem, and we strongly support his amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. CHRYSLER].

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

For repayable advances to the Unemployment Trust Fund as authorized by sections 905(d) and 1203 of the Social Security Act, as amended, and to the Black Lung Disability Trust Fund as authorized by section 9501(c)(1) of the Internal Revenue Code of 1954, as amended; and for nonrepayable advances to the Unemployment Trust Fund as authorized by section 8509 of title 5, United States Code, section 104(d) of Public Law 102–164, and section 5 of Public Law 103–6, and to the ''Federal uemployment benefits and allowances'' account, to remain available until September 30, 1998, $373,000,000.

In addition, for making repayable advances to the Black Lung Disability Trust Fund in the current fiscal year after September 15, 1997, for costs incurred by the Black Lung Disability Trust Fund in the current fiscal year, such sums as may be necessary.

PROGRAM ADMINISTRATION

For expenses of administering employment and training programs and for carrying out section 908 of the Social Security Act,

$81,393,000, together with not to exceed $39,977,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

PENSION AND WELFARE BENEFITS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for Pension and Welfare Benefits Administration, $65,783,000.

AMENDMENT OFFERED BY MS. SLAUGHTER

Ms. SLAUGHTER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. SLAUGHTER: In the item relating to ''DEPARTMENT OF LABOR—PENSION AND WELFARE BENEFITS ADMINISTRATION—SALARIES AND EXPENSES'', after the dollar amount, insert the following: ''(increased by $300,000, which amount shall be for genetic nondiscrimination enforcement activities).''

In the item relating to ''DEPARTMENT OF LABOR—BUREAU OF LABOR STATISTICS—SALARIES AND EXPENSES'', after the first dollar amount, insert the following: ''(reduced by $300,000)''.

Ms. SLAUGHTER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. SLAUGHTER. Mr. Chairman, I rise today to offer an amendment designed to take steps toward putting an end to genetic discrimination in health insurance. With progress being made through the human genome project and other genetic research, we are making new discoveries at a startling pace about the genes associated with different disorders.

Indeed, most geneticists say that with the exception of trauma, every disease of the body has a genetic component.

Genes have been located already that are linked to breast cancer, to Alzheimer's disease, Parkinson's disease, basal cell carcinoma, to name just a few. Unfortunately, some insurance companies are already using these medical advances to deny health insurance to consumers.

A woman carrying the BRCA01 breast cancer gene may find her insurer drops her coverage entirely or denies her coverage in the event that she develops breast cancer. In addition, some companies are discriminating against policyholders based on their blood relatives' genetic information. Children are being denied coverage for disorders that their parents develop.

Mr. Chairman, we should put an end to this reprehensible practice. My amendment will provide additional resources in the Department of Labor's Pension Benefits and Welfare Administration, which is responsible for regulating ERISA plans.

I am thoroughly committed to trying to make sure that the antidiscrimination legislation is passed by Congress and PBWA should be prepared to enforce this law when it is.

Mr. Chairman, I urge my colleagues in the strongest possible terms to support this amendment as well as my genetic nondiscrimination bill, H.R. 2748.

In conclusion, Mr. Chairman, I would like to thank the gentleman from Illinois, Chairman PORTER. From the day I arrived in Washington, I have recognized in him a superb public servant, and, frankly, I consider him to be one of my best friends and one of the finest Members of Congress. I thank him for his consideration.

Mr. PORTER. Mr. Chairman, will the gentlewoman yield?

Ms. SLAUGHTER. I yield to the gentleman from Illinois.

Mr. PORTER. Mr. Chairman, let me thank the gentlewoman for those very generous and kind words. We certainly think the amendment is a very important one and very strongly support it and thank her for her leadership in offering it.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would simply say that on this side of the aisle we certainly accept the gentlewoman's amendment, and I would like to talk just a moment about it because I have such a deep personal interest in the issue myself.

I think often in the subcommittee a few years ago, when the human genome project just started to be funded, I was often misunderstood when I raised with NIH witnesses my concerns about the fact that science is getting ahead of the state of the law on the issue of genetics. It would be a tragedy if the billions of dollars which taxpayers are seeing invested on their behalf to discover the secrets of the human genetic makeup, if those dollars, instead of winding up producing a net good for the American people, wind up simply producing a greater ability for different powerful parties in this economy to discriminate on the basis of genes which individuals could not order beforehand but were stuck with after they were born.

It seems to me that there has been a very slow reaction to this on the part of both the legal profession and on the part of good segments of the scientific community as well. I very much commend the gentlewoman for her efforts on this. I think it highlights probably the most important fundamental long-term issue associated with this bill, and we very enthusiastically support the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York [Ms. SLAUGHTER].

The amendment was agreed to.

Ms. ROYBAL-ALLARD. Mr. Chairman, I move to strike the last word. Mr. Chairman, I rise for the purpose of engaging in a colloquy with the gentleman from Illinois, Chairman PORTER.

The gentleman is to be commended for his support on behalf of the Job Corps Program. As he knows, Job Corps has been our Nation's most successful federally funded residential job training and education program for at-risk youth for over 30 years. Because of its proven record of accomplishment in providing opportunities to disadvantaged youth, it has historically generated strong bipartisan support.

□ 2100

Program year 1995 exemplifies the success of Job Corps with 73 percent of all Job Corps participants either obtaining employment, enrolling in the military, or attending an institute of higher education.

The Labor-HHS appropriations bill before us provides $1.138 million for Job Corps. Mr. Chairman, through the leadership of the gentleman from Illinois, Chairman PORTER, Job Corps received an increase of $35 million over last year's appropriation, which fully funds the operations portion of the program. I commend the gentleman on this accomplishment.

However, I have two concerns. First is the possibility that the Senate may provide a lower operation funding level for Job Corps than the House level. Second, there still exists a $14.8 million shortfall in the construction and renovation budget for the program. Adequate funding for the repair and rehabilitation of Job Corps campuses is critical for safe training and efficient operations. These campuses serve as a positive alternative to the dangers of street crime and drugs that many of our Nation's young adults face daily.

Mr. Chairman, I would say to Chairman PORTER that, based on previous discussions that we have had, it is clear that the gentleman shares my strong commitment to Job Corps. Therefore, when the bill is sent to conference, I respectfully urge the gentleman to continue to exercise his leadership to ensure that the operation funding levels for Job Corps contained in the House bill are maintained and to support any increase to the construction and renovation budget of the program.

Mr. PORTER. Mr. Chairman, will the gentlewoman yield?

Ms. ROYBAL-ALLARD. I yield to the gentleman from Illinois.

Mr. PORTER. Mr. Chairman, let me assure the gentlewoman that I am a very strong supporter of the Job Corps Program. I agree with the gentlewoman on its great importance, particularly for the most at-risk youth in our society, and I will clearly work toward a conference agreement that will provide, at the minimum, the House level of funding for the Job Corps and will fight to try that make that level even higher.

Ms. ROYBAL-ALLARD. Mr. Chairman, I thank the gentleman.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

PENSION BENEFIT GUARANTY CORPORATION

PENSION BENEFIT GUARANTY CORPORATION FUND

The Pension Benefit Guaranty Corporation is authorized to make such expenditures, including financial assistance authorized by

section 104 of Public Law 96–364, within limits of funds and borrowing authority available to such Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 9104), as may be necessary in carrying out the program through September 30, 1997, for such Corporation: *Provided,* That not to exceed $135,720,000 shall be available for administrative expenses of the Corporation.

EMPLOYMENT STANDARDS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Employment Standards Administration, including reimbursement to State, Federal, and local agencies and their employees for inspection services rendered, $258,422,000, together with $983,000 which may be expended from the Special Fund in accordance with sections 39(c) and 44(j) of the Longshore and Harbor Workers' Compensation Act: *Provided,* That the Secretary of Labor is authorized to accept, retain, and spend, until expended, in the name of the Department of Labor, all sums of money ordered to be paid to the Secretary of Labor, in accordance with the terms of the Consent Judgment in Civil Action No. 91–0027 of the United States District Court for the District of the Northern Mariana Islands (May 21, 1992): *Provided further,* That the Secretary of Labor is authorized to establish and, in accordance with 31 U.S.C. 3302, collect and deposit in the Treasury fees for processing applications and issuing certificates under sections 11(d) and 14 of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 211(d) and 214) and for processing applications and issuing registrations under Title I of the Migrant and Seasonal Agricultural Worker Protection Act, 29 U.S.C. 1801 et seq.

SPECIAL BENEFITS

(INCLUDING TRANSFER OF FUNDS)

For the payment of compensation, benefits, and expenses (except administrative expenses) accruing during the current or any prior fiscal year authorized by title 5, chapter 81 of the United States Code; continuation of benefits as provided for under the head ''Civilian War Benefits'' in the Federal Security Agency Appropriation Act, 1947; the Employees' Compensation Commission Appropriation Act, 1944; and sections 4(c) and 5(f) of the War Claims Act of 1948 (50 U.S.C. App. 2012); and 50 per centum of the additional compensation and benefits required by section 10(h) of the Longshore and Harbor Workers' Compensation Act, as amended, $213,000,000 together with such amounts as may be necessary to be charged to the subsequent year appropriation for the payment of compensation and other benefits for any period subsequent to August 15 of the current year: *Provided,* That such sums as are necessary may be used under section 8104 of title 5, United States Code, by the Secretary to reimburse an employer, who is not the employer at the time of injury, for portions of the salary of a reemployed, disabled beneficiary: *Provided further,* That balances of reimbursements unobligated on September 30, 1996, shall remain available until expended for the payment of compensation, benefits, and expenses: *Provided further,* That in addition there shall be transferred to this appropriation from the Postal Service and from any other corporation or instrumentality required under section 8147(c) of title 5, United States Code, to pay an amount for its fair share of the cost of administration, such sums as the Secretary of Labor determines to be the cost of administration for employees of such fair share entities through September 30, 1997: *Provided further,* That of those funds transferred to this account from the fair share entities to pay the cost of administration, $11,390,000 shall be made available to the Secretary of Labor for expenditures relating to capital improvements in support of Federal Employees' Compensation Act administration, and the balance of such funds shall be paid into the Treasury as miscellaneous receipts: *Provided further,* That the Secretary may require that any person filing a notice of injury or a claim for benefits under Subchapter 5, U.S.C., chapter 81, or under subchapter 33, U.S.C. 901, et seq. (the Longshore and Harbor Workers' Compensation Act, as amended), provide as part of such notice and claim, such identifying information (including Social Security account number) as such regulations may prescribe.

BLACK LUNG DISABILITY TRUST FUND

(INCLUDING TRANSFER OF FUNDS)

For payments from the Black Lung Disability Trust Fund, $1,007,644,000, of which $961,665,000 shall be available until September 30, 1998, for payment of all benefits as authorized by section 9501(d)(1), (2), (4), and (7) of the Internal Revenue Code of 1954, as amended, and interest on advances as authorized by section 9501(c)(2) of that Act, and of which $26,071,000 shall be available for transfer to Employment Standards Administration, Salaries and Expenses, $19,621,000 for transfer to Departmental Management, Salaries and Expenses, and $287,000 for transfer to Departmental Management, Office of Inspector General, for expenses of operation and administration of the Black Lung Benefits program as authorized by section 9501(d)(5)(A) of that Act: *Provided,* That, in addition, such amounts as may be necessary may be charged to the subsequent year appropriation for the payment of compensation, interest, or other benefits for any period subsequent to August 15 of the current year: *Provided further,* That in addition such amounts shall be paid from this fund into miscellaneous receipts as the Secretary of the Treasury determines to be the administrative expenses of the Department of the Treasury for administering the fund during the current fiscal year, as authorized by section 9501(d)(5)(B) of that Act.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Occupational Safety and Health Administration, $297,734,000, including not to exceed $66,929,000 which shall be the maximum amount available for grants to States under section 23(g) of the Occupational Safety and Health Act, which grants shall be no less than fifty percent of the costs of State occupational safety and health programs required to be incurred under plans approved by the Secretary under section 18 of the Occupational Safety and Health Act of 1970; and, in addition, notwithstanding 31 U.S.C. 3302, the Occupational Safety and Health Administration may retain up to $750,000 per fiscal year of training institute course tuition fees, otherwise authorized by law to be collected, and may utilize such sums for occupational safety and health training and education grants: *Provided,* That none of the funds appropriated under this paragraph shall be obligated or expended to prescribe, issue, administer, or enforce any standard, rule, regulation, or order under the Occupational Safety and Health Act of 1970 which is applicable to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs ten or fewer employees: *Provided further,* That no funds appropriated under this paragraph shall be obligated or expended to administer or enforce any standard, rule, regulation, or order under the Occupational Safety and Health Act of 1970 with respect to any employer of ten or fewer employees who is included within a category having an occupational injury lost workday case rate, at the most precise Standard Industrial Classification Code for which such data are published, less than the national average rate as such rates are most recently published by the Secretary, acting through the Bureau of Labor Statistics, in accordance with section 24 of that Act (29 U.S.C. 673), except—

(1) to provide, as authorized by such Act, consultation, technical assistance, educational and training services, and to conduct surveys and studies;

(2) to conduct an inspection or investigation in response to an employee complaint, to issue a citation for violations found during such inspection, and to assess a penalty for violations which are not corrected within a reasonable abatement period and for any willful violations found;

(3) to take any action authorized by such Act with respect to imminent dangers;

(4) to take any action authorized by such Act with respect to health hazards;

(5) to take any action authorized by such Act with respect to a report of an employment accident which is fatal to one or more employees or which results in hospitalization of two or more employees, and to take any action pursuant to such investigation authorized by such Act; and

(6) to take any action authorized by such Act with respect to complaints of discrimination against employees for exercising rights under such Act:

Provided further, That the foregoing proviso shall not apply to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs ten or fewer employees.

MINE SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Mine Safety and Health Administration, $191,810,000, including purchase and bestowal of certificates and trophies in connection with mine rescue and first-aid work, and the hire of passenger motor vehicles; the Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private; the Mine Safety and Health Administration is authorized to promote health and safety education and training in the mining community through cooperative programs with States, industry, and safety associations; and any funds available to the Department may be used, with the approval of the Secretary, to provide for the costs of mine rescue and survival operations in the event of a major disaster: *Provided,* That none of the funds appropriated under this paragraph shall be obligated or expended to carry out section 115 of the Federal Mine Safety and Health Act of 1977 or to carry out that portion of section 104(g)(1) of such Act relating to the enforcement of any training requirements, with respect to shell dredging, or with respect to any sand, gravel, surface stone, surface clay, colloidal phosphate, or surface limestone mine.

BUREAU OF LABOR STATISTICS

SALARIES AND EXPENSES

For necessary expenses for the Bureau of Labor Statistics, including advances or reimbursements to State, Federal, and local agencies and their employees for services rendered, $302,947,000, of which $16,145,000 shall be for expenses of revising the Consumer Price Index and shall remain

available until September 30, 1998, together with not to exceed $52,053,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For necessary expenses for Departmental Management, including the hire of three sedans, and including up to $4,271,000 for the President's Committee on Employment of People With Disabilities, $137,504,000; together with not to exceed $297,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund: *Provided*, That no funds made available by this Act may be used by the Solicitor of Labor to participate in a review in any United States court of appeals of any decision made by the Benefits Review Board under section 21 of the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 921) where such participation is precluded by the decision of the United States Supreme Court in Director, Office of Workers' Compensation Programs v. Newport News Shipbuilding, 115 S. Ct. 1278 (1995).

ASSISTANT SECRETARY FOR VETERANS EMPLOYMENT AND TRAINING

Not to exceed $178,149,000 may be derived from the Employment Security Administration account in the Unemployment Trust Fund to carry out the provisions of 38 U.S.C. 4100–4110A and 4321–4327, and Public Law 103–353, and which shall be available for obligation by the States through December 31, 1997.

OFFICE OF INSPECTOR GENERAL

For salaries and expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $42,938,000, together with not to exceed $3,543,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

GENERAL PROVISIONS

SEC. 101. None of the funds appropriated in this title for the Job Corps shall be used to pay the compensation of an individual, either as direct costs or any proration as an indirect cost, at a rate in excess of $125,000.

SEC. 102. None of the funds made available in this Act may be used by the Occupational Safety and Health Administration directly or through section 23(g) of the Occupational Safety and Health Act for the development, promulgation or issuance of any proposed or final standard or guideline regarding ergonomic protection or recording and reporting occupational injuries and illnesses directly related thereto.

AMENDMENT OFFERED BY MS. PELOSI

Ms. PELOSI. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. PELOSI: Page 19, strike lines 8 through 15.

Mr. PORTER. Mr. Chairman, I ask unanimous consent that debate on this amendment and all amendments thereto close in 30 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The CHAIRMAN. The gentlewoman from California [Ms. PELOSI] and the gentleman from Texas [Mr. BONILLA] will each control 15 minutes.

The Chair recognizes the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my amendment to the Labor–HHS–Education appropriations bill would delete the rider that bans OSHA from protecting workers from musculoskeletal disorders which represent America's fastest growing workplace health problem.

Mr. Chairman, what we are talking about is the legislative rider bans any ergonomic guidelines. Ergonomics is the study of force in motion. What we would like to see the ergonomics look at is how to redesign the workplace so as to put less force on the body. This is the force that is causing so many musculoskeletal disorders and represents the fastest growing workplace health problem, having multiplied sevenfold in the past 10 years. Current estimates range from over 700,000 lost work day injuries to 2.7 million accepted worker's comp claims annually, affecting meat packing, poultry workers, computer programmers, auto workers, and supermarket employees, among others.

Affected workers suffer pain, restricted life activities, lost work time, and often permanent disability. These repetitive motion injuries include carpal tunnel syndrome, of which you may be familiar, Mr. Chairman.

The legislation in this appropriations bill prohibits OSHA from using funds for the development, promulgation, or issuance of any proposed or final standard or voluntary guideline. Mr. Chairman, I repeat, voluntary guideline regarding ergonomic protection or recording or reporting occupational injuries or illnesses directly related to.

This language goes beyond the fiscal year 1996 language to ban OSHA from developing protections or even collecting data on the problem.

Mr. Chairman, worker's compensation costs arising from musculoskeletal disorders amount to an estimated $20 billion annually, accounting for roughly $1 of every $3 employers spend on such claims. Indirect costs such as hiring and training replacement workers add billions of dollars more. Unfortunately, many thousands of U.S. employers are unaware of the extent of this problem.

My amendment would allow OSHA to issue a proposed ergonomic standard. And what that would do is trigger OSHA's open rulemaking process. This process includes both lengthy comment periods and administrative hearings at which witnesses can cross-examine each other, designed to facilitate a thorough public debate to improve the standard and strengthen its scientific basis.

If enacted, the rider in the bill would ban OSHA from even developing such a proposed standard to permit the debate to begin. My amendment will allow the debate to begin.

A no vote on my amendment would preclude OSHA from even gathering the data, as I mentioned, on musculoskeletal disorders. Ignoring the fastest growing workplace health problem will not make it go away. Ironically, the rider's sponsors claim OSHA needs to improve the science upon which ergonomic protections would be based, but the rider would ban OSHA from gathering the data necessary to meet that need.

A no vote on my amendment would fly in the face of congressional efforts to reform the regulatory process to ensure that regulations are premised on sound science.

Mr. Chairman, I talked earlier about the cost to employers, and many of them would like the protection of guidelines. Even those employers who have recognized the problem are often unaware of the broad range of cost-effective solutions currently available.

Smaller businesses are particularly at a disadvantage since they typically cannot afford to hire safety and health consultants. These employers need help. My amendment would allow OSHA to issue voluntary guidelines to assist employers in controlling the soaring costs associated with musculoskeletal disorders as well as opening up this debate to go further, if it is determined in that open period of public comment.

Recently enacted legislation gives Congress a mechanism for modifying or disapproving Federal regulations through an expedited legislative process. My amendment would allow OSHA to move forward on ergonomics, but would retain this effective means of reviewing OSHA's protective standards before they even take place. This is not disruptive of changes that have occurred in this Congress, Mr. Chairman. In fact, it is in keeping with those changes.

Countless employers have already cut injury rates and saved millions of dollars in workman's compensation costs through simple measures that quickly pay for themselves. A ''no'' vote on this amendment would preclude OSHA from developing protective standards or even voluntary guidelines based on such cost-effective solutions. These ideas, the initiatives, assist business at the expense of thousands of employers struggling with soaring worker's compensation costs, and to the detriment of millions of American workers.

A yes vote would improve working conditions and safety, would save money for the employers and increase productivity of the American work force. I urge my colleagues to vote ''yes'' on this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. BONILLA. Mr. Chairman, I yield myself such time as I may consume.

(Mr. BONILLA asked and was given permission to revise and extend his remarks.)

Mr. BONILLA. Mr. Chairman, I rise in opposition to the Pelosi amendment. What we have here is a basic disagreement among those of us who feel very strongly that the private sector is capable of policing its own work force and its work environment, and those who believe that it cannot be done

without Big Brother stepping in with a whole ton of Federal regulations to tell them how to do it.

The language in the bill as it currently stands would be removed by the amendment proposed now. It is a funding limitation. It is not a legislative rider. Perhaps the gentlewoman who proposes this amendment is not clear on that particular point. It simply says that the Labor Department and OSHA cannot spend money on developing a ton of bureaucratic rules on ergonomics that would apply equally to businesses like restaurants, like professional athletic teams, like trucking companies, to parcel post carriers.

In other words the Federal Government is now poised and interested in trying to develop a new set of regulations that it would apply uniformly to every small business in America, and it is absolutely absurd to think that OSHA is capable of conducting such research to apply these rules.

Mr. Chairman, let me cite as an example, in the gentlewoman's own State of California, under a legislative mandate CALOSHA will issue an ergonomic regulation by the end of the year that is estimated to cost Californians $9.7 billion and cost more than 12,000 jobs, because anyone who has ever been in the private sector, as I have as a manager in a private business, understands that when you get a whole ton of regulations that suddenly come into our office, your productivity is automatically cut back.

The implementation of silly regulations suddenly causes additional costs and in some cases causes tremendous job loss, and that is what we are talking about here. Think about in California what 10 pages has done, as I have cited here, and I have an example here of so far what OSHA has developed on proposed ergonomic standards in the private workplace or small businesses in America across this country.

Mr. Chairman, can you imagine running a restaurant in this country or running any kind of a small business where you are trying to make ends meet, operate on very marginal profits, and suddenly you see this show up at your front door? Who, first of all, is going to be able to understand any of this? How much is it going to cost a small employer in this country to implement such regulations?

Mr. Chairman, I think what people who love big government fail to understand is that there is not a staff of people at every business in this country that is prepared to handle such a load of bureaucracy and rules and regulations just waiting to do that.

If any of my colleagues have ever managed a business or owned a business or worked in the private sector, done real work in this country, they know that everyone there is already interested in doing something, answering the phones, putting together, making a product, delivering a product. This kind of thing, Mr. Chairman, only adds to the burdens that so many people in the private sector have at this point.

Unlike what was pointed out earlier by my colleague from California, the language in the current bill does not prohibit OSHA from continuing to use ergonomics data collected by the Bureau of Labor Statistics and does not prevent research institutions such as the National Institute of Occupational Safety and Health [NIOSH] from collecting scientific research on ergonomics.

Mr. Chairman, OSHA relies on those organizations because it does not conduct its own scientific research. If I could be convinced that suddenly OSHA has qualified doctors and scientists to be able to develop these regulations, but I am not convinced that they are qualified to do this kind of research.

Mr. Chairman, I ask my colleagues to look hard at this amendment. It is something that if my colleagues believe, as I do, that what distinguishes our economy in this world is the private sector and private sector jobs, that is what makes us the greatest economy on Earth.

Why do we want to put this monkey on their back and drive them back into the Stone Age because big labor is interested in promulgating such rules as I am holding in my hand? And this, Mr. Chairman, is only the beginning.

Mr. Chairman, I reserve the balance of my time.

Ms. PELOSI. Mr. Chairman, I yield 5 minutes to the gentleman from Wisconsin [Mr. OBEY], the ranking member of our committee.

□ 2115

Mr. OBEY. Mr. Chairman, this is a funny place. We get elected. We get into our offices out here, and every day we have visitors from home. And sure, some of them are on vacation and some of them are regular working people. But I would venture to say that at least 70 to 75 percent of them are people who are representatives of the business community.

They walk into our offices. They wear suits. They are good people, but they have a distinct economic point of view. And we hear a lot of it when they come and visit us in our offices. They are the people who can afford to come out here and lobby us directly from home.

Then we go home. Often Members go to the Rotary Clubs; they go to business lunches. They talk to people who are also wearing suits then, and they all generally see life from the upper side.

I think we need to get beyond that and we need to think about how the world looks to people who work for a living, whether they wear blue collars or white collars or pink colors, just name it.

I do not know what my colleagues do when they go home, but when I go home I often visit plants. I cannot begin to tell Members how many times I walk through a plant, and I have seen a woman wearing something on her wrist and I say, what happened? Carpel tunnel syndrome. I hear that time and time again.

Talk to people who have suffered lower back problems. I happen to have an insurance company in my district that is very skilled in the problems of worker compensation. If we talk to people in that field, they will tell us that there are many companies who want to avoid problems but they do not know how. They do not have the expertise to do it. What this amendment says is that it is going to be a long, long time before they learn.

OSHA is the agency which is charged with the responsibility to develop standards to protect the health and the well-being of workers. What the committee bill says is that that agency is not going to be allowed to perform its duty when it comes to just about the most expensive workplace injury problem around today, about a $20 billion problem, the most reliable estimate. And the gentlewoman from California [Ms. PELOSI], is trying to correct that problem with her amendment.

I do not see why it is in the public interest for us to say that not only can OSHA not promulgate an official standard, they cannot even begin to develop one. They cannot even go about collecting their own data on the problem.

I do not see how that is in the interest of workers. I certainly do not see how it is in the interest of companies, many of whom do not know what to do to avoid the problem.

Just one example. My grandmother used to work for Pied Piper Shoe Co. a long time ago. One of Pied Piper's competitors was Red Wing Shoe Co. They paid $4.3 million in worker compensation premiums in 1990. After they implemented an ergonomics program and changed production techniques, that company reduced lost time days by 79 percent. By 1995, premium costs had dropped to an estimated $1.3 million from the original $4.3 million. That company knew how to deal with the problem. There are a lot of companies that do not.

The value of allowing OSHA to develop voluntary standards, I emphasize ''voluntary,'' is that that would mean that OSHA could do the work which would enable many other companies who are looking for the right way to attack problems to have some idea of how to do it. A lot of them are small companies. They do not have the ability or the financial ability to hire industrial engineers. This agency can help them do that. But it just seems to me that this Congress is lock, stock and barrel in the hands of people who wear suits 365 days a year. It apparently is not going to get beyond the views of those folks and to take into account the fact that there are many, many millions of Americans who have a right to expect that the Government is going to act on their behalf to see to it that they have the safest working place and the healthiest working place possible under existing circumstances.

That is what the Pelosi amendment tries to do. I think this Congress ought to be ashamed of itself, if it does not adopt this amendment.

Mr. BONILLA. Mr. Chairman, I yield 6 minutes and 30 seconds to the distinguished gentleman from Texas [Mr. DELAY], Republican whip.

Mr. DELAY. Mr. Chairman, I appreciate the gentleman yielding time to me, and I appreciate his work in this area.

All I can say is, after the gentleman from Wisconsin's remarks, here we go again. Class warfare. the only argument in favor of the Pelosi-Nadler amendment is that people that wear suits do not understand the working man.

I think we have to first understand that OSHA is not only not equipped to do this scientific gathering or scientific evaluation, nor does it have the authority to do the scientific gathering. What OSHA does is promulgate regulations.

Mr. Chairman, I rise in opposition to this amendment, and it is really unfortunate that we have to fight this battle all over again. I do not understand why some Members of this body are so willing to allow OSHA to put forth a standard that has absolutely no basis in science. Just last month the American Academy of Orthopedic surgeons issued a report based on a comprehensive study of back injuries. Do you know what its findings were? There is no relationship between back injuries and work. That is not TOM DELAY saying that. That is the American Academy of Orthopedic Surgeons. Earlier this year, the Association of Hand Surgeons determined that there is not enough data available for the Federal Government to move forward with an ergonomic standard.

Further, the National Coalition on Ergonomics reported that OSHA cherry-picked and manipulated the data, which bureaucrats are so prone to do, that it gathered last year in order to put forth its proposal. My point is that there is no consensus in the scientific community over risks and remedies or implementing or failing to implement ergonomic policies.

There is certainly no consensus that a Federal ergonomic standard can actually have any positive impact on the working man or woman in the workplace and the impact on health and safety. Yet OSHA itself admits its draft proposal is likely to be the most expensive, the most far-reaching ever promulgated by this agency.

So by focusing on work spaces and stations, tools and equipment, lighting, typewriter keys and telephones, ergonomics virtually affects every aspect of American businesses large and small. It has been estimated that it could cost American businesses and cost us jobs to the extent of billions of dollars to implement.

The sheer magnitude of the paperwork required would impose an enormous and unnecessary burden. The number of professions that would be affected is potentially limitless.

A truck driver would be affected since he is exposed to vibrations for an extended period of time, sits in a truck cab, keeps bent wrists on a steering wheel and grips the steering wheel. It has been proposed that every hour that truck driver would have to sit down for 15 minutes because he has had too much vibration. Then there are hair stylists who open and close scissors for hour after hour. What about day care employees who have to lift children all day? Of course, there is the job of the golf pro who has got to swing a club over and over again, the florist who must wrap flower arrangements one after another, and the painter who has got to paint wall after wall.

After identifying an at-risk job, according to OSHA's draft proposal, the employer must control the job. The OSHA does not give any indication how this can be done. It simply mandates that the employers control the job.

If the employer cannot control the job, OSHA could require that the employer eliminate the job. Because of the lack of existing scientific data to support its draft proposal, OSHA has resorted unbelievably to creating its own data. Currently, OSHA requires employers to report work-related injuries and illnesses. In its proposal, OSHA would expand this recordkeeping requirement to include aches and pains which cannot be definitely tied to the workplace on injury and illness logs. The result would be a database of injuries that is outrageously inflated to show a far greater number of truly work-related injuries than there really are.

I cannot condone this kind of activity. The Bonilla amendment rightly prohibits OSHA from continuing to develop an ergonomics standard that involves the imposition of regulations costing billions of dollars on the private sector and a radical new level of government intrusion into the workplaces, work practices without scientific support. The Bonilla language does not prevent the scientific community from developing any necessary data to show a relationship between musculoskeletal disorders in the workplace.

Congress has given the authority to do this kind of research to the National Institute for Occupational Safety and Health. Nothing prevents NIOSH from continuing this research. OSHA's mandate is to promulgate work safety standards that are based upon sound science and statistics. Without regard to an ergonomic standards, the debate that should be taking place now is the scientific area, not in the regulatory area. I urge my colleagues to vote against this amendment and in favor of sound science.

Ms. PELOSI. Mr. Chairman, I yield 30 seconds to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Chairman, I would say the gentleman talks about how it is okay for NIOSH to do this. I find it very interesting that this committee is short-sheeting NIOSH to the tune of $32 million because it is transferring to them all of the obligations laid on by the Bureau of Mines programs, but it is not funding those programs.

So the very agency my colleagues say will be allowed to continue is going to have a $32 million shortfall in their budget.

Mr. BONILLA. Mr. Chairman, I yield 1 minute to the gentleman from Illinois [Mr. PORTER], the distinguished chairman of the subcommittee.

Mr. PORTER. Mr. Chairman, I simply want to say to the gentleman from Wisconsin that we are not short-sheeting NIOSH. As a matter of fact, that shortfall of $32 million will clearly be made up in conference when we get there. There is no intention to not provide that funding. That was a transfer from the Interior Appropriations Subcommittee, and we simply never came to an agreement about offsets between our two subcommittees.

Ms. PELOSI. Mr. Chairman, I yield such time as he may consume to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Chairman, I would say that that is a nice promise, but the fact is that the bill before us does in fact short-sheet NIOSH by $32 million. It does not allow NIOSH to meet the obligations that they are supposed to meet by accepting the Bureau of Mines programs.

Ms. PELOSI. Mr. Chairman, I yield myself such time as I may consume.

I would like to respond to some of the comments made by my colleagues, in addition to Mr. OBEY's observation about the short-changing of NIOSH in this bill. Last year the proposal by this Republican majority in the Congress on NIOSH was to cut it by 25 percent. The flat funding this year is not in keeping with, does not even keep up with the responsibilities that it has. I do want to call to the attention of our colleagues the packet that our colleague, the gentleman from Texas [Mr. BONILLA], held up and said, what would happen if this was laid on business? The fact is, that packet of information, and I question it because there have been no regulations released by OSHA, as that packet indicates, it does not contribute rulemaking or notice of rulemaking. So I think it is a little disingenuous to give the impression to our colleagues that that is a regulation that is being proposed by OSHA that is something that exists.

□ 2130

Second, I say to our colleague from Texas, Mr. DELAY, that part of his work in this Congress was to pass legislation that gives Congress a mechanism for modifying or disapproving Federal regulations through an expedited legislative procedure, and that would, of course, still be allowed under my amendment should he not like the information that the ergonomic studies provide in terms of data on the occurrence of repetitive motion illnesses.

The other point that I want to make is that, of course, this has to be based on science and scientific data. But this is not a one-sided issue. This is to protect businesses. Certainly it is to protect workers as well, and I do not have enough time allocated to me to read the entire statement of Mr. Dear when he came before our committee, but when I get my time again I would like to read from that statement, which talks about the need that some smaller businesses in particular have for the protection that voluntary guidelines and opening up of this debate would provide to them.

Mr. Chairman, I reserve the balance of my time.

Mr. BONILLA. Mr. Chairman, I have no additional speakers, and I reserve the balance of my time.

Ms. PELOSI. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, as I mentioned before, in the balance of my time I wanted to make the case that this ergonomic study is to benefit workers and businesses. When I asked the very distinguished director of OSHA, Mr. Dear, to respond as to what the developing of voluntary guidelines and what the government-business response to such voluntary guidelines would be, he responded by saying:

> From my own experience in meeting with employers I know that injuries caused by repetitive motion are a serious problem of concerned employers. I have met with one after another after presentation made here on the Hill after the employers have specifically asked me, ''Aren't there any guidelines? Couldn't you give me some help?'' And I had to say, ''Well, I would very much like to, but I cannot.''

And that is what this rider in this legislation does. It prevents OSHA from giving any direction whatsoever to small businesses.

Again I say that support for my amendment will protect workers, protect businesses from excessive cost, and increase productivity. I urge my colleagues to support the amendment.

Mr. BONILLA. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, what we have here is again a debate between those of us who believe that people who are out in the heartland operating, managing, working for small businesses are pretty smart people and they are what make our economy tick. After all, the small-business community in this country is the backbone of our economy and employs 80 percent of the workers in this country.

On the other side we have those who believe that they cannot police their work force and their work environment effectively without having a big set of Federal regulations handed to them, and Big Brother, after all, is smarter, according to the opposition on this debate, smarter than the people who are the entrepreneurs and those who pursue free enterprise ventures in this country. The bureaucrats are smarter, and the entrepreneurs are too dumb to implement ergonomic standards in their own workplace.

Oftentimes those who are opposed to this issue in the past somehow think that those of us who are trying to stop this regulatory burden on small business are not concerned about worker safety. Nothing could be farther from the truth. I do not understand why Federal bureaucrats and those who advocate big government do not understand that any business owner out there, any manager, is interested in keeping as many workers as they possibly can healthy and productive, on the job every day. When someone gets injured on the job, when they have got to pay Worker's Comp, productivity suffers, the product suffers; the people running the company, oftentimes they would have to make cuts in other areas. No one in this country in the private sector is interested in allowing unhealthy conditions and bad working conditions to exist in the workplace in this country.

And I think oftentimes we get mired in the debate, and some of those on the other side try to make it seem like we do not care about worker safety. We not only care about worker safety, we care about preserving jobs and about keeping the regulatory burden off the small-business community in this country so that they can continue to be more productive and to increase productivity and increase the number of jobs in their communities. That is what we are interested in doing.

Finally, I would like to just point out how voluntary standards that have been referred to here tonight can exist out in the workplace without the Federal Government coming out and saying: ''Hey, we have some paperwork here or some kind of new standard that you can voluntarily impose.''

We have been around long enough in this country to understand that once something becomes voluntary on paper via the Federal Government and OSHA and regulators, sure enough before too long it becomes a real regulation, and we are trying to stop that from occurring.

A lot of good employers in this country are already developing their own ergonomic standards. When I visited a lot of these good work environments across this country, I am delighted to hear people on the front line talk about the priority at companies these days, about worker safety. Safety, safety, safety is the most important thing now that more employers are recognizing how significant it is to increase their profits and become more productive and to employ more people, because after all, when they have more productivity and more profits, that means more jobs, more expansion and more people able to pursue the American dream in this country.

Once again, in closing on this argument, I want to emphasize that those who vote for the Pelosi-Nadler amendment are voting to burden small business in America with a whole new set of regulations that have no scientific data at all to back it up. We do not believe at this point that OSHA is made up of scientists, doctors and researchers that are capable of implementing these kind of regulations.

So vote with small business in America. Vote against the Pelosi amendment. I ask all my colleagues to support me in this cause.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from California [Ms. PELOSI].

The question was taken; and the Chairman announced that the noes appeared to have it.

Ms. PELOSI. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 472, further proceedings on the amendment offered by the gentlewoman from California [Ms. PELOSI] will be postponed.

The Clerk will read.

The Clerk read as follows:

(TRANSFER OF FUNDS)

SEC. 103. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act, as amended) which are appropriated for the current fiscal year for the Department of Labor in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: *Provided*, That the Appropriations Committees of both Houses of Congress are notified at least fifteen days in advance of any transfer.

SEC. 104. Funds shall be available for carrying out title IV–B of the Job Training Partnership Act, notwithstanding section 427(c) of that Act, if a Job Corps center fails to meet national performance standards established by the Secretary.

SEC. 105. No funds appropriated or otherwise made available in this title shall be disbursed without the approval of the Department's Chief Financial Officer or his delegatee.

SEC. 106. (a) GENERAL RULE.—In the administration and enforcement of the child labor provisions of the Fair Labor Standards Act of 1938, employees who are 16 and 17 years of age shall be permitted to load materials, but not operate or unload materials, into scrap paper balers and paper box compactors—

(1) that are safe for 16- and 17-year-old employees loading the scrap paper balers or paper box compactors, and

(2) that cannot operate while being loaded.

(b) DEFINITION.—For purposes of subsection (a), scrap paper balers and paper box compactors shall be considered safe for 16- or 17-year-old employees to load only if—

(1) such scrap paper balers and paper box compactors are in compliance with the current safety standard established by the American National Standards Institute;

(2) such scrap paper balers and paper box compactors include an on-off switch incorporating a keylock or other system and the control of such system is maintained in the custody of employees who are 18 years of age or older;

(3) the on-off switch of such scrap paper balers and paper box compactors is maintained in an off condition when such scrap paper balers and paper box compactors are not in operation; and

(4) the employer of 16- and 17-year-old employees provides notice, and posts a notice, on such scrap paper balers and paper box compactors stating that—

(A) such scrap paper balers and paper box compactors meet the current safety standard established by the American National Standards Institute;

(B) 16- and 17-year-old employees may only load such scrap paper balers and paper box compactors; and

(C) any employee under the age of 18 may not operate or unload such scrap paper balers and paper box compactors:

Provided, That this section is not to be construed as affecting the exemption for apprentices and student learners published at 29 Code of Federal Regulations 570.63.

SEC. 107. None of the funds appropriated in this Act may be obligated or expended by the Department of Labor for the purposes of enforcement and the issuance of fines under Hazardous Occupation Order Number 2 (HO 2) with respect to incidental and occasional driving by minors under age 18, unless the Secretary finds that the operation of a motor vehicle is the primary duty of the minor's employment.

This title may be cited as the ''Department of Labor Appropriations Act, 1997''.

TITLE II—DEPARTMENT OF HEALTH AND HUMAN SERVICES

Mr. PORTER. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. CAMPBELL) having assumed the chair. Mr. WALKER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3755), making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1997, and for other purposes, had come to no resolution thereon.

TERMINATION OF SUSPENSIONS UNDER FOREIGN RELATIONS AUTHORIZATION ACT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 104–242)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

Pursuant to the authority vested in me by section 902(b)(2) of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (Public Law 101–246) (''the Act''), and as President of the United States, I hereby report to the Congress that it is in the national interest of the United States to terminate the suspensions under section 902(a) of the Act with respect to the issuance of licenses for defense article exports to the People's Republic of China and the export of U.S.-origin satellites, insofar as such restrictions pertain to the Globalstar satellite project. License requirements remain in place for these exports and require review and approval on a case-by-case basis by the United States Government.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *July 9, 1996.*

COMMUNICATION FROM THE CHAIRMAN, COMMITTEE ON APPROPRIATIONS

The SPEAKER pro tempore laid before the House the following communication from the chairman of the Committee on Appropriations:

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON APPROPRIATIONS,
Washington, DC, July 10, 1996.

Hon. NEWT GINGRICH,
Speaker, U.S. House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule L (50) of the Rules of the House of Representatives, that Jim Dyer, currently the staff director of the Appropriations Committee and formerly a staff assistant for Congressman Joseph McDade of Pennsylvania, has been served with a subpoena issued by the U.S. District court for the Eastern District of Pennsylvania in the case of *U.S.* v. *McDade.*

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

BOB LIVINGSTON,
Chairman.

COMMUNICATION FROM THE CHAIRMAN, COMMITTEE ON APPROPRIATIONS

The SPEAKER pro tempore laid before the House the following communication from the Chairman of the Committee on Appropriations:

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON APPROPRIATIONS,
Washington, DC, July 10, 1996.

Hon. NEWT GINGRICH,
Speaker, U.S. House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule L (50) of the Rules of the House of Representatives, that Deborah Weatherly, currently a staff assistant of the Appropriations Committee and formerly a staff assistant for Congressman Joseph McDade of Pennsylvania, has been served with a subpoena issued by the U.S. District court for the Eastern District of Pennsylvania in the case of *U.S.* v. *McDade.*

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

BOB LIVINGSTON,
Chairman.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the District of Columbia [Ms. NORTON] is recognized for 5 minutes.

[Ms. NORTON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the State of Washington [Mrs. SMITH] is recognized for 5 minutes.

[Mrs. SMITH of Washington addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

□ 2145

PRESIDENT CLINTON'S FAILURE TO SIGN THE WISCONSIN WELFARE REFORM WAIVER

The SPEAKER pro tempore (Mr. CAMPBELL). Under a previous order of the House, the gentleman from California [Mr. RIGGS] is recognized for 5 minutes.

Mr. RIGGS. Mr. Speaker, I rise during special orders to point out that today the countdown is up. Today marks the day that President Clinton should have signed the Wisconsin welfare reform waiver. Why is this important to me as a Californian? Because our Governor and State legislature have also requested from the Federal Government, specifically the Department of Health and Human Services, certain waivers to allow us in California to reform and streamline our welfare service to California residents.

I think we can all remember that a month ago the President said publicly that he approved of the Wisconsin reform plan. He did not just mention his approval of the plan in passing. This is the plan that was originally known as putting families first, or now, as it is known simply in Wisconsin, W2. The President devoted an entire weekend radio address to this subject.

Immediately after, though, he made those remarks his administration, encouraged by their liberal allies here in the Congress, Democratic allies, began to backtrack. Now it appears that the deadline today has come and gone with no waiver for the Wisconsin plan. I cannot really say that that surprises me too much, but I do not want to allow my cynicism to show too much. I actually had some hope that the President might at least in this one instance keep his word to the people of Wisconsin and the country.

He may someday sign this waiver, but not until Wisconsin has had to go through all kinds of contortions at the mercy of the Department of Health and Human Services. Wisconsin's difficulties in obtaining this waiver are not unique. As I mentioned, California and many other States have had to come to Washington, hat in hand, and beg for a waiver to implement their welfare reform plans. Some States, including California, have had to wait months upon months for their waivers to go through.

In fact, again in the case of California, we are still waiting to hear regarding three major welfare reform waiver requests to the Federal Government. The changes that are then required by the Washington bureaucrats have watered down so many of these State plans, of these State waiver requests,

that in some instances the Governors and the State legislatures which initially requested those waivers no longer want to implement them. In South Carolina, it cost millions of dollars to go through the waiver process, and when that waiver was finally approved it was so modified that the State of South Carolina deemed it no longer effective.

We Republicans in Congress over the last 18 months, as the new majority in the Congress, have twice passed genuine welfare reform that would eliminate the need for States to have to go through the cumbersome counterproductive waiver process. But President Clinton, who as Candidate Clinton in 1992 promised to end welfare as we know it, has vetoed the welfare reform legislation not once but twice.

This welfare reform controversy illustrates a key difference between Republicans and Democrats and between Bob Dole and President Clinton. Bob Dole and Republicans think it is absurd that the States, which really are the laboratories of democracy nowadays, and where the only genuinely successful welfare reform efforts have taken place, must come begging to Washington, to the very people who are the architects and protectors of the failed status quo, our current welfare system. It is Washington's disgraceful mess, after all, that the States are having to clean up.

Mr. Speaker, although Wisconsin has been the Nation's leader in successfully reforming welfare, witness again the President's promise in his radio address a couple of months ago, and again President Clinton and congressional Democrats still think that Washington knows better than the people of Wisconsin how to fix their welfare program. They think that power, money, and resources should stay in Washington.

The American people are sick of our disgraceful welfare system, which traps people in lives of dependency, illegitimacy, and despair, and which has led, according to the most recent statistics in America going back to 1993, to almost one-third of all births, 31 percent of all births being out of wedlock. The American people are sick of a heavy-handed Federal Government that thinks it is so much smarter than everybody else. And most of all, they are sick of a President who will say literally anything that the polls tell him the people want to hear, and then turn around and do just the opposite.

THE ESSENTIAL 30-DAY COMMENT PERIOD IN WISCONSIN BEFORE ACTION ON WELFARE REFORM WAIVER REQUEST

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin [Mr. OBEY] is recognized for 5 minutes.

Mr. OBEY. Mr. Speaker, I have the following one-word reply to the gentleman who just spoke: Baloney. A two-word reply: Double baloney.

I represent Wisconsin. I take a back seat to no one in wanting to see massive welfare reform. I know that taxpayers are tired of seeing people collect money on welfare who are not willing to work to earn it, and I know that people are tired, and justifiably so, of seeing people in this society who often have their hand out but who are not willing to go to work in order to improve their own condition. I believe in personal responsibility, and I believe that people ought to be willing to accept the consequences of their own actions in their own lives.

But I want to make a few remarks that correct some of the wildly inaccurate statements just made by the previous speaker. There is no 30-day deadline for the President to consider Wisconsin's W2 program. There is simply, thanks to the fact that the Congress did not eliminate it, as the majority party tried to do, there is still the protection in law that allows every single one of my constituents in Wisconsin to have at least 30 days to comment on the deal that the politicians put together at the State level in Wisconsin. That 30-day requirement is simply a 30-day minimum requirement during which the public has a right to speak out before the politicians and the bureaucrats make their final decisions. I make no apology for insisting that that 30-day public comment period be retained. My citizens have the same right to comment that citizens from every other State have had before waivers were granted for their welfare reform proposals.

I wonder if the gentleman knows that in the original W2 waiver request which this party demanded that we pass, sight unseen, without any Member having read it on this floor, I wonder if the gentleman knows that Wisconsin later had to, at least the Governor and the welfare director, had to indicate they made a mistake in the presentation they made to the national government, and they recognized it needed to be amended.

Why? Because the press discovered during that 30-day public comment period that they tried to wipe out on that side of the aisle, the press in Wisconsin discovered that the W2 waiver proposal would have allowed employers to cut the hours of their regular workers, to cut the benefits of their regular workers, in order to make room for welfare workers in those plants.

It also inadvertently would have allowed employers to cancel promotions for their regular workers and, instead, give those promoted jobs to welfare recipients newly hired by the company. The State admitted that that was a mistake, but that mistake would not have been corrected if this House had rammed through the Senate the legislation which the majority party tried to ram through.

You bet workers are tired of seeing tax dollars gobbled up by people on welfare who will not work. You bet taxpayers are tired of that. But I can tell the Members something taxpayers do not want to see even more. They do not want to see their jobs gobbled up by welfare recipients.

So if we are going to solve welfare reform, let us solve it by correcting the behavior of people whose behavior needs to be corrected. Let us not solve it by whacking the ability of workers to maintain their wages, to maintain their hours, to maintain their benefits at work, and to maintain their rights to be considered for promotion before newly hired workers who just the day before were on the welfare rolls.

I would simply say that I want Wisconsin's welfare program to be approved, but only after my constituents have had ample time to examine that waiver request to make certain there are no other mistakes which wind up threatening the welfare of workers.

REVISED 602(a) ALLOCATIONS AND BUDGETARY LEVELS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. KASICH] is recognized for 5 minutes.

Mr. KASICH. Mr. Speaker, pursuant to section 606(e) of the Congressional Budget Act of 1974 (Budget Act), as amended by the Contract with America Advancement Act (P.L. 104–121), I hereby submit revised 602(a) allocations and other appropriate budgetary levels. Section 606(e) of the Budget Act provides for an adjustment in the various budgetary levels established by budget resolutions to accommodate additional appropriations for conducting continuing disability reviews (CDRs) under the Supplemental Security Income program.

Section 606(e) of the Budget Act directs the Chairman of the Committee on the Budget to revise the discretionary spending limits, 602(a) allocations, and the appropriate budgetary aggregates when the Appropriations Committee reports appropriations measure that provides additional new budget authority and additional outlays to pay for the costs of CDRs.

For fiscal year 1997, the adjustment reflects $25 million (and $160 million in outlays) specified for additional CDRs in the report accompanying H.R. 3755, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education and related agencies, as reported by the Committee on Appropriations on July 8.

These revised levels will supersede those established by H. Con. Res. 178 and the accompanying joint statement of the managers (H. Rept. 104–575) and shall be binding for purposes of enforcing sections 302(f) and 311(a) of the Congressional Budget Act of 1974.

The revised allocations and other budgetary levels are as follows:

[In millions of dollars]

	Budget authority	Outlays
Discretionary spending limits	492,692	535,699
602(a)/302(a) allocations	497,375	538,772
Budget aggregates	1,311,309	1,307,081

If you have any questions, please contract Kathy Ormiston or Jim Bates at extension 6–7270.

WORKING FAMILIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. WELDON] is recognized for 5 minutes.

Mr. WELDON of Florida. Mr. Speaker, before I speak on the issue of working families and what is happening to working families in my district and what I think is happening to working families all over the Nation, I yield briefly to the gentleman from California [Mr. RIGGS] to make some additional comments about the Wisconsin welfare reform plan and Republican plans to truly reform welfare, to stop talking about reforming welfare and actually start doing it.

WISCONSIN'S WELFARE REFORM PLAN

Mr. RIGGS. I thank the gentleman for yielding, Mr. Speaker. It is unfortunate that just when I thought we were hopefully going to have a constructive debate on welfare reform, the gentleman from Wisconsin marches off the floor. He has taken his ball and apparently he is going home. If he was still here, my response to him would have been baloney, double baloney, and triple baloney, or see your baloney and raise you one, because the reality is he is not going to support welfare reform in any form or in any version.

He not only has voted with the Democrats twice against our welfare reform proposals, but he is actively now attempting to thwart and to delay and to obstruct the efforts of the Wisconsin State legislature and the Governor of Wisconsin, Tommy Thompson, the Governor of his own State, to obtain a reasonable welfare reform waiver from Washington, the big government bureaucracy back here.

Mr. Speaker, the reality is he talks about taxpayers and working people, but the current welfare system is fundamentally unfair to working American families. It pays for non-work, it reinforces personal abhorrent behaviors and values which harm parents, children, and families. It is another classic ''Let's rob Peter to pay Paul'' scenario.

The Washington liberal establishment, make no mistake about it, despite all his populist rhetoric the gentleman from Wisconsin is very much a part of that Washington liberal establishment, and they refuse to accept the fundamental reforms demanded by a majority of Americans.

Where has the Democratic Party in the last 3½ years that President Clinton has been President and the leader of their party, where have they been on welfare reform? They did not put forward a welfare reform proposal in the last Congress when they had control of both the legislative and executive branches of Government. The gentleman from Wisconsin could have been a leader in those efforts, had he had the courage of his convictions and brought forward a proposal.

So let us be real clear whose interests are being served here by protecting the status quo: the current welfare system. It is the whole political constituency of dependency we have built up in this country. We are not addressing the concerns of workers whose taxes have paid for the unfair and broken welfare system, but we are, of course, seeing the consequences of preserving a system which the President and his liberal allies in the Congress are desperately fighting to protect.

What we believe, and I thank the gentleman for yielding to me, we believe that we ought to respond to the demands of hard-working American men and women. That is why we have passed welfare reform that restores individual dignity by requiring able-bodied recipients to work in exchange for their benefits, encouraging personal responsibility by discouraging illegitimacy, and toughening child support enforcement, putting time limits on welfare benefits, because we want welfare to be a safety net, not a permanent trap into dependency, empowering those closest to the problem, States and local communities to address welfare needs with innovative and flexible solutions, that is the very essence of W2 or the Wisconsin plan.

I just would remind Members again and remind the gentleman from Wisconsin [Mr. OBEY], if he wants to walk his talk, in 1992 candidate Clinton appealed to working families. This was one of the things that allowed him to posture himself as the centrist new Democrat. He appealed to working families with a promise to end welfare as we know it; yet since his election and during the last Congress when the Democrats had sole control over this House, lock, stock, and barrel, or should I say House Bank and Post Office, going back to my first term in office, the President aligned himself with the Washington liberal elite and has repeatedly vetoed legislation that would end welfare as we know it.

It is too bad that the President and the gentleman from Wisconsin and their liberal Washington friends want to defend a failed welfare system rather than work with millions of hard-working taxpayers who want real welfare reform.

□ 2200

THE FORGOTTEN AMERICANS

The SPEAKER pro tempore (Mr. CAMPBELL). Under a previous order of the House, the gentleman from Illinois [Mr. MANZULLO] is recognized for 5 minutes.

Mr. MANZULLO. Mr. Speaker, every day in this country men and women get up at the crack of dawn, pack their lunches, send their kids off to school, go to work and work harder than ever in their lives, and then realize they are taking home less money. The reason they are taking home less money is that Government is taking more of their money, and Government is taking more of their money because Government is too big. It is too big at all levels, at the local, at the State and the Federal level. These people, who are laboring in the fields and working harder than ever in their entire lives and taking home less money because Government is too big, are the forgotten Americans.

In 1950 the average family in America paid 2 percent of their income for Federal income taxes. Today it is 26 percent. If we add State and local taxes, it is around 40 percent. Just think of that. Forty cents of their dollar earned goes for taxes.

While taxes increase, your take home pay decreases. The more Government takes, the more Government taxes, the less freedom we have. We work from January 1 through May 7 just to earn enough to pay taxes. Just think of that. The American worker has to work more than 4 months just to pay taxes. In fact, if a husband and wife are working, one of them is working almost solely to pay for taxes.

If Government taxes you 10 percent, then it controls 10 percent of your life. If Government taxes you 20 percent, then it controls 20 percent of your life. If Government taxes you 30 percent, it controls 30 percent of your life. If Government taxes you 50 percent, it controls 50 percent of your life.

How does Government control our lives by taxes? It does so by making choices for you that you cannot afford to make for yourself. Big Government chooses to spend money on welfare for immigrants while you worry where you are going to get money to pay for your kid's braces.

At the same time President Clinton claimed that the era of big Government was over, he increased your taxes in 1993 with the biggest tax increase in American history. The American family is hurting because taxes are too high.

The Republican-controlled Congress set out to free the American family from this tremendous tax burden. The Republican Congress passed the $500-per-child tax credit so that American families could decide how to spend their own hard-earned dollars, as opposed to Washington, but it was vetoed by President Clinton.

If President Clinton had not vetoed this bill, 1.3 million families in Ohio and the same number in Illinois would have been eligible. That means that these households in Illinois and Ohio would have had an extra $1,000 per year to spend on clothing, education, food and shelter. But people who like big Government do not trust Americans to make those decisions because they want Government to spend money that rightfully belongs to the hard-working Americans.

The Republican Congress passed the $2,500 interest deduction on student loans so that families could better afford to send their kids to college, but President Clinton vetoed that, also. The Republican Congress passed a meaningful welfare bill so that the

hard-working Americans could take home more of their money, and the President vetoed that bill, also.

So who is the friend of the working person in America, the forgotten American, the one who is lost in the shuffle of big taxes, the one who is lost in the cloud of big Government? Certainly the friend of the working person is not the ones who insist on taxing more and more. The friend of the working people insists that Government is too big, it is too intrusive, it is too invasive, it takes too much money, it is robbing the American family of the ability to support themselves.

Mr. Speaker, we have reached a point in American history where the debt is so big because of a runaway liberal big Government mentality, with a $5 trillion debt that, according to a chapter in the budget called Generational Forecasts, if we do not put a rein on Government, by the time children born after 1993 go into the work force, they will pay between 84 and 94 percent of their income in taxes. That is no future for Americans. That is no future for our children.

This Government is too big. It has to shrink. This Government has to lower the taxes on the working people. This Government has to allow working people to keep more of their money. The message is this: The forgotten American, the one who works hard, the one who asks for nothing but freedom, the one who wants to raise his children in a society where he can afford to send them to college, the forgotten American covered by a sea of redtape and taxes, deserves a break. He deserves freedom in government, he deserves freedom from government, he deserves these Republican proposals to allow him to keep more of his hard-earned dollars.

VISIT OF ISRAELI PRIME MINISTER NETANYAHU AND TRIBUTE TO ALONZO SUDLER, JR.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. FOX] is recognized for 5 minutes.

Mr. FOX of Pennsylvania. Mr. Speaker, I first want to compliment the comments of the prior speaker, the gentleman from Illinois [Mr. MANZULLO]. I think they are well taken in regards to the working man and woman and how much we need to do to make sure that our pro-people and pro-economy philosophies that the gentleman just outlined certainly need to be adopted in this Congress, and I compliment the Congressman for his hard work in moving that agenda forward for America's workers.

Today was a historic day in the Congress, Mr. Speaker. We had a visit from the new prime minister of Israel. Unlike prior visits which have been certainly important to the country, I had a more personal involvement today because Binyamin Netanyahu, the new prime minister, and I share the same alma mater. We went to the same high school.

While he was born in Israel and is now Israel's prime minister, he was taught at a Montgomery County school, Cheltenham High School, in my district. I think people should know that his focus of seriousness of purpose, of vision for the future is one of peace and progress, and someone who certainly has good values and good morals and principles for the community and having the world's interest at heart as well as this country. Binyamin Netanyahu is certainly a credit to Israel and to the relationship with our country.

It was interesting to note in his speech today, which I think was very important, that he says that we can have peace in the Middle East and in our lifetime but we need 3 pillars of that peace.

The first, security, and end to terrorism; two, reciprocity, to make sure that we in fact have on both sides, whether it be Israel or whether the Arab neighbors, that there be peaceful resolutions and to have agreements actually held up to and actually abided by; and, third, having a strengthening of the democracy and of human rights in that region of the world.

I was also happy to hear from the prime minister that he is working on trying to make sure that they have a free market economy in Israel and one that would reduce taxes, that would lead to deregulation and of Israel's economic self-reliance. That is certainly taking a page out of the majority House leadership, I think, from this year, and that is certainly an example we can live up to.

I also want to take a moment of the time of my colleagues tonight to talk about an American hero, someone in my district who recently died, Alonzo Sudler, Jr. This gentleman was the chief pharmacist of our largest hospital in the district, Abington Memorial Hospital. He was married for 45 years to Winifred and loving father of Julia and Steven and the grandfather of twins Alexandra and Zachary. He was a great father and a great husband but beyond that a great community leader. He was involved with the Red Cross, involved with all community activities, and a humble man who cared deeply about his neighborhood, about his family, and about progress in Montgomery County and in Pennsylvania. He gave all this free time back to the community and his family. There is nothing he would not do for others.

For me, he was an American hero, who died prematurely at the age of 71. There are many more years I would liked to have had time to spend with him. He was like a father figure to me in teaching me lessons about life. He was almost a pastor in many respects because of the lessons he taught to younger people about how they should lead their lives.

To Alonzo Sudler and his family and to those who will hear about him, I hope that we all can live our lives in his image and in his memory. I ask God's blessings on his family and we remember them tonight.

REVISITING THE 104TH CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. KINGSTON] is recognized for 5 minutes.

Mr. KINGSTON. Mr. Speaker, in 1994 Republicans were elected to the House in great numbers, 73 new Republican freshmen. They came to Washington with lots of reforms in their mind. But since then they have been called extremist, mean-spirited, callous, fanatical and so forth and that has become their label. Yet when we see what their agenda really was, this thing called the Contract With America, what was it designed to do? It was designed to reduce the size of government, to cut wasteful spending, to lower taxes, to balance the budget, to reform welfare, and to increase personal freedom.

The folks I talk to back home in the grocery store checkout line, they do not consider these things extremist ideas. They think that they are commonsense ideas and reforms that we need to do.

Let us look at this in a little more detail. Do you think it is extreme to try to balance the budget the way you and I have to in our household at the end of each month? Do you think it is a good idea to do something about the $20 billion that we spend each month just in interest on the national debt? Do you think we should pass this legacy on to our children? Or do you think we should do something about it? And do you think, Mr. Speaker, that it is extreme to try to balance this budget in a 7-year period of time, so that you do not pull the rug out from under anybody? Do you think that lowering the rate of spending is extreme, so that one day the revenues that come in, tax dollars, and our spending will be equal? I do not believe that is extreme, Mr. Speaker.

What did the Democrats do when they controlled this House? They say what we are trying to do is extreme. They increased domestic spending $300 billion. Years and years of overspending, on tilting the scale toward big bureaucracy, has left us with 163 different Federal job training programs, 26 different Federal food and nutrition programs, and 180 education programs. A lot of duplications in that, Mr. Speaker. I think we can do something about it.

Let us talk about taxes. Under the Democrat rule, we had a tax increase of $245 billion, a gas tax increase of 4.3 cents a gallon, a tax on Social Security, and a tax on small businesses and partners. What do the Republicans want to do, these so-called freshman extremists? They want to cut taxes. One of them is a $500 per child tax credit. Do you think that your friends and neighbors and your people that you see

in car pool lines deserve a $500 per child tax credit? Do you think that they could use that to buy a few more pairs of tennis shoes, T-shirts and back packs for their children? Do you think the workers of America deserve that? Do you think that they have paid enough and maybe something like that would help them?

Let us talk about some of these other taxes that we are accused of giving a tax cut for the wealthy. Do you think that our senior citizens should get the tax relief on their Social Security when the President increased taxes on Social Security in 1993? Do you think it would be fair to take that tax off of our seniors? Do you think that it would be fair to let seniors work longer without being penalized on their Social Security? I do not think that is extremist.

What about the capital gains tax? If we pass a capital gains tax, will Ted Turner benefit from it? He will. I do not have a problem with that, Mr. Speaker, because who else will is all the widows in my area, which is a growth area, who have bought their house 30 years ago, it is now paid for, but the house that they bought for $50,000 in the 1960s is now worth $300,000 and they could benefit from a capital gains tax cut.

Welfare. Let us talk about welfare. We have been accused of extremism in welfare and all kinds of quotes that almost are hard to recognize. The President, as you know, promised to end welfare. He did not offer a welfare reform bill. When we tried to offer one, we were accused, here is one, of Representative LEVIN, ''You use a meat ax against the handicapped children and their parents.''

President Clinton said in February 1995, ''What they want to do is declare war on the children in America.''

Here is another quote from a Member of the House of Representatives on the House floor said, ''These people,'' they are talking about these Republican freshmen, ''are practicing genocide with a smile. They are worse than Hitler.''

Here is another one. These are all from House Members. ''There is a similarity between NEWT and Hitler. Hitler started out getting rid of the poor and those he said were a drag on society and NEWT is starting out the same way.''

These words have been said on the floor of the House by Democrats.

□ 2215

Now I ask, does that sound a little extreme in terms of rhetoric? Is that based on reality? What is the Republican welfare bill?

SUPPORT THE CHILD TAX CREDIT FOR FAMILIES

The SPEAKER pro tempore (Mr. CAMPBELL). Under a previous order of the House, the gentleman from Minnesota [Mr. GUTKNECHT] is recognized for 5 minutes.

Mr. GUTKNECHT. Mr. Speaker, I yield to the gentleman from Florida [Mr. WELDON].

Mr. WELDON of Florida. Mr. Speaker, I thank the gentleman for yielding me the time. You are truly a gentleman for doing that.

Mr. Speaker, I rise to speak on an issue that I think is of critical importance to the people in my district, and that is the people who I believe truly are the forgotten people, and those are the people that work day in, day out to try to struggle to make ends meet.

It is really a privilege to be in this body, it is really a privilege to try my best to represent the people of my district. But one of the things that bothers me and that honestly I am sick and tired of is that there are thousands of people in my district who I honestly feel are ignored, their concerns, their interests are overlooked by the politicians in this city. They are the people who dad works, dad works two jobs to try to make ends meet, mom is working as a cashier at the supermarket to try to make ends meet, and honestly at the end of the month, at the end of the day, they frequently do not have enough money to try to pay for the things that they need.

They are trying to set aside money for college, and they cannot do it. They do not know how they can pay for braces for the kids. The car needs new tires, and they do not have enough money after they pay the rent. They do not have enough money after they buy the food to be able to put new tires on the car. So what do they do? They drive around with a car that needs new tires.

And one of the biggest problems for these working families is the burden of the taxes that forces them to have to put mom out to work when she does not want to or forces dad to have to work that second job and, as a consequence, he cannot spend the time with the kids that he really needs to.

We Republicans, we were trying to do something about that this year. We put forward a $500 per child family tax credit. Those families today in America, typically the working family today in America, they are sending 25 percent of their income to Washington, DC, and 40 years ago when I know when my mom and dad were raising us, when I was a kid growing up, they were sending 4 percent or 2 percent of their income to Washington, DC.

It is the burden of government, of the bureaucracy, of the programs after program after program, the wasted money that is shackling and hurting our working families in this country. So we put forward a $500 per child tax credit, a tax credit that I thought was really going to help some of those working families, working families like the Tanner family in my district, who Bill Tanner works as an electrician. His wife, Anne, just recently had their fifth child, and our $500 per child tax credit would have meant $2,500 more for Bill and Anne Tanner to put toward the new tires on the car, to put towards money for college for the kids, to help them make ends meet.

The President of the United States, he opposed us on that $500 per child tax credit after he ran in 1992 promising a middle-class tax cut, and we put forward a reasonable proposal, and the Democrats in this body opposed us on that $500 per child tax credit.

I think it is wrong for politicians to come up here to Washington and say that they are working hard and they are fighting for those working families, those families that are having trouble making ends meet, and what happens, what is the end result: that they oppose the proposals that we are trying to put forward to honestly try to help them.

They even opposed us on the balanced budget. The economists tell us if we could balance the budget, interest rates in this country could drop 2 percentage points. What that means for those working families is a car loan that is 2 percentage points less, a mortgage that could be 2 percentage points less. That can translate for those working families into more money in their pocket, and that is money again that they could turn around and use for their families.

This government has gotten too expensive. It has gotten to be too costly. Oliver Wendell Holmes said that taxes are the price we pay for civilized society. I believe that the price is too high and that working families in this country need a break. The President and the Democrats in this body need to change their position on this issue. They need to support the family child tax credit. They need to support our balanced budget effort.

ISSUES OF THE DAY AMONG AMERICANS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from North Carolina [Mr. JONES] is recognized for 60 minutes as the designee of the majority leader.

Mr. JONES. Mr. Speaker, I am delighted tonight to ask the gentleman from Minnesota [Mr. GUTKNECHT] and the gentleman from Georgia [Mr. KINGSTON] to join me in probably about 30 or 35 minutes of a dialog regarding issues facing the American people today. With that, I have asked my friend, the gentleman from Minnesota, if he would be the floor manager of this discussion. With that, I will ask him to initiate the discussion.

Mr. GUTKNECHT. Mr. Speaker, we have just returned from some time back in our districts, and I do not know about the rest of my colleagues, but we have had a chance to hear what some people have had to say on the issues of the day. I had, I think, eight different town meetings, I was involved in about nine parades, did one special meeting with seniors in my district, and so I think I got pretty good feedback, and

I thought maybe we could talk a little bit about some of the things we heard during the district break.

But I know that the gentleman from Georgia [Mr. KINGSTON] has some points that he wants to make and so I would like to yield to him for as much time as he may consume, if that would be all right, then we can get more into a discussion.

Mr. KINGSTON. Mr. Speaker, I thank the gentleman for yielding, and I wanted to address something that I think is dear to your heart, and that is the label that Republican freshmen have been getting hit with about being called extremists. Your class came to Washington with a spirit of reform and yet the press and the Washington establishment, who likes the status quo, has called you extremist, mean-spirited, callous, and so forth. The reason why is because you have tried to do this thing called the Contract With America. The Contract With America is a legislative package designed to reduce the size of government, cut waste, lower taxes, balance the budget, reform welfare and increase personal freedom.

Now, my friends and neighbors that I see at the grocery store at checkout lines do not consider those extreme ideas. But let us examine this in detail. First of all, do you think it is a good idea to balance the budget? Do you think we should do something about the $20 billion in interest we pay each month on the national debt? Do you think we should pass this legacy on to our children? Do you think it is extreme to try to balance the budget in a 7-year period of time? I think not. I think that is a responsible legislative agenda, and I am glad that you are taking it. I applaud the gentleman for it.

What did the Democrats do before when they were in the majority? Well, they increased domestic spending another $300 billion. They created over a period of time 163 different Federal jobs training programs, 26 different food and nutrition programs, 180 education programs. We may need more than one, but do we need all that duplication in Washington? Do we need all that bureaucracy?

What did the Democrats do about taxes? Well, in 1993, President Clinton passed a $245 billion tax increase, which included a four cents per gallon gas tax, a tax on Social Security, a tax on small businesses and partnerships.

What do the Republicans want to do? Well, we extremists have been accused of wanting to give tax breaks for the rich and the elderly. One of these taxes is a $500 per child tax credit. I ask the Members, is it extreme to give the working families of America a $500 per child tax credit so that they can buy a few more tennis shoes, a few more lunch boxes, a few more books, a few more clothes and so forth? I do not think that is so extreme.

What about our seniors, shouldn't they be able to work longer without being penalized on their Social Security? That is one of the tax relief ideas that we had, allowing seniors to work longer.

What about the capital gains tax cut? Now, will Ted Turner benefit from a capital gains tax cut, and all the wealthy people? Yes, this he will. Do you know who else will? All the widows in my district who bought property in a growth area during the 1960's. They bought a house that was worth maybe $35,000 at the time, and today it is worth $200,000, and they can sell that money for long-term personal care home or a medical emergency and not be taxed at the highest tax bracket because of this thing called the capital gains tax.

What about the marriage tax penalties? Should we give the same tax rate to people who are married as we do to the people who live together? Right now, a couple can live together and they pay less taxes than a couple that gets married. Is that right? Is it extreme that Republican freshmen want to change that? And what about welfare? Members know, we tried to change that.

Mr. JONES. The gentleman from Georgia, I just wanted to further refine and clarify something he said about working people. Is it not true in America today that the average working family will spend more on paying taxes than that same average working family will spend on clothing, housing or food? Have you heard that?

Mr. KINGSTON. That is absolutely right. Another statistic I have heard is that the real Independence Day is July 3 instead of July 4th, because from January 1 to July 3, that is when you are working to pay for all the cost of the government at every level plus the cost of regulation at every level, and that is right out of working people's pocket.

Mr. JONES. Is it not true also, according to the General Accounting Office, known as the GAO, that in 17 years without a balanced budget, which the Republican Party is committed to achieving, without a balanced budget in 17 years, according to the GAO that average working person will pay 80 cents out of a dollar to taxes? Have your heard that?

Mr. KINGSTON. I have heard that, and all I can say is that family will quit working.

Mr. JONES. Absolutely.

Mr. KINGSTON. There comes a point when the mule cannot pull the load anymore.

Mr. Speaker, let us talk about welfare. The President promised to end welfare as we know it, never introduced a bill when the Democrats held the Senate and the House, and yet when the Republicans did, what were we accused of? And these were quotes, actual quotes that I got out of the CONGRESSIONAL RECORD that we were accused of by our Democrat colleagues: These people, the Republicans, are practicing genocide with a smile. They are worse than Hitler.

And here is another quote: There is a similarity between Newt and Hitler; Hitler started getting rid of the poor and those he said were a drag on society, and Newt is starting out the same way.

Here is another quote: But not since the biblical day of King Herod have our children been in such grave danger. But unlike King Herod, who went only at the male child, the Republicans are going after all children.

Now, what is it that we were doing that was so extreme, so hard for the Democrats to take, so that they were accusing us of declaring war on the children? Well, the main thing we are trying to do is say able-bodied people who are on welfare who can work are required to work. Is that extreme? Is it fair for a guy who is out there working 40, 50, 60 hours a week paying for somebody to stay at home, is it extreme to say to the guy who is able to get to work and join him to be required to work? I do not think it is.

What about illegal immigrations? We said no more permanent benefits for illegal aliens, people who are not American citizens. Is that extreme? I would say it isn't. That was part and that was one of the things the President vetoed.

Mr. JONES. I would like to ask the gentleman from Georgia [Mr. KINGSTON] or the gentleman from Minnesota [Mr. GUTKNECHT], we recently, as you were talking about welfare reform, if my colleagues remember, the House of Representatives passed a bill, and I am going a little bit off your subject but it does tie in, about we are talking about late-term abortions, and the President of the United States, the highest office in this land, when the majority of people in America said, even women and men that were pro-choice said, that late-term abortions are wrong when a child in the 7th and 8th month of life in the womb of a mother, is murdered, and yet the President vetoed a bill that Democrats on that side and Republicans on this side said that we need to ban late-term abortions in America.

□ 2230

And yet the President vetoed it. Now, I want to ask the gentleman from Minnesota how his people in Minnesota feel about that issue.

Mr. GUTKNECHT. Well, I think it ties together with what we are talking about, because when we are advancing what I think is a commonsense agenda, and I think it is commonsense whether you are from North Carolina or Georgia or Minnesota, of putting the Federal Government on a diet, making the Federal Government live within its means in advancing policies, whether it is the Defense of Marriage Act or eliminating or making illegal these diabolical late-term abortions where the baby is literally pulled from the mother's womb, all except the head, the head is left in, scissors are inserted in the back of the baby's brain and literally the baby's brains are sucked out

with a suction device, I think everywhere outside this Beltway that is considered extreme.

The agenda we have advanced is commonsense. The extremism, if there is any here in Washington, DC, is I think confined to our liberal friends.

Mr. KINGSTON. Is it not true that two of the most liberal Democrat leaders, the gentleman from Missouri, DICK GEPHARDT, and the gentleman from Michigan, DAVID BONIOR, voted to ban these partial birth abortions?

Mr. JONES. Absolutely.

Mr. KINGSTON. Yet the President still vetoed it.

Mr. GUTKNECHT. That is a good point. Many of our friends on the other side, who you would consider liberal, joined us in that particular vote, and hopefully this Congress is going to have another opportunity to revisit that issue and we are going to have a chance to override that veto.

Because I do not know about you, and we have talked about going home over the Fourth of July, I was at one county fair, and I must tell you that was the number one issue that people wanted to talk to me about, because they had learned the facts about this procedure and they said you have to do everything in your power to override that veto, to make certain that that stops.

Mr. KINGSTON. Is it not true this procedure is so gruesome that the extremists who are against the legislation did not want to allow the sponsor to have a postor, a chart that actually showed the procedure, and they tried to vote not to allow it on the floor? Is that not the case?

Mr. GUTKNECHT. That is exactly right. And it was a very simple medical type diagram to demonstrate exactly what happens in this procedure. But again it comes back to what the gentleman has been talking about what we have been advancing, whether we are talking about regulatory reform, balancing the budget, or allowing families to keep more of what they earn. And your point was made as well that back in the 1950's when we were growing up, I am not sure about you, Mr. KINGSTON, you are quite a bit younger than us, but when we were growing up, my parents, and we talked a little too about working families, my dad worked in a factory all his life, union man, member of the AFL–CIO, and my folks raised three boys and my mother did not work. She stayed home.

Now, we did not have a lot of the things that people think that they have to have today, I am sure, but we never considered ourselves poor. But there was a big difference back in the fifties. Most of the families raised their kids on one income. And why couldn't they? They got to keep 95 percent of what they earned. The average family today has to raise their kids on less than 60 percent of what they earn. Huge difference.

Mr. JONES. In my district, as a candidate for Congress and now as an elected Member of Congress, and going back in my district every weekend since I have been here 17, 18 months, except for about four, the people keep telling me, Congressman, we are tired, we are working harder, we are working longer, but we are taking home less money, what can you do to help us?

I think the Congresses of the past that have been the Democratic controlled Congresses kept increasing programs, increasing the size of government, and when we increase the size of government programs we are taking more money out of working people's pockets.

What has happened in America is that frustration. That is why I think we are the majority now. People are looking for us to reduce programs, particularly those that do not work, which there are plenty, and they are looking to us to say please give us a chance, let us work harder but let us keep more of our money.

I see this frustration every time, every weekend I go home, because I see people at the grocery stores, I see people at church, I see people down the street and they say to me, Congressman, we like what you all are doing, please give us a chance to earn and to have a chance to do for our families what we think we should have a chance to do.

Mr. KINGSTON. One of the examples I like to point out in terms of the Federal registration, which is the book of all the Federal regulations, and so forth, it has grown from 41,000 pages 10 years ago to 68,000 pages today, and we have over 130,000 Federal bureaucrats that basically just look over your shoulder to make sure that you are behaving right and telling you how to do things from educating kids, running a poverty program, to health care, to running your business, to your home. Everything.

Some of it is good. I certainly want to have a safe and sound government, but I want to have a commonsense government, one that is balanced. And is that not what we are saying? Is it not that we want to give the people back home more decisionmaking power and more personal freedom, and is that an extreme position?

Mr. GUTKNECHT. I think the two fundamental questions, and this comes up in my town meetings as well, and I am sure you hear it, and it comes down to two very important questions. The first question is who decides? Is it going to be the Federal Government or is it going to be decided by local units of government and, more importantly, by families?

And second, and I think it is almost the same question, but who knows best? And I think an attitude has developed here in Washington, and I agree that is one of the reasons they sent so many of us here in the last election cycle, was that the attitude that had developed here in Washington that Washington knows best, whether you are talking about raising broccoli or raising kids, there is this attitude that somehow Washington knows best.

I think it was exemplified a few months ago in a hearing in the Senate when one of the education experts ultimately said to one of the Senators that he really felt that he cared more about children than the average parent. And the Senator finally stopped him and he said, well, if you care more about my kids than I do, then please tell me their names.

And when you get right down to it, the truth of the matter is parents care more about kids than bureaucrats and it really is a question of who decides and who knows best. And we have tried to say that we think families know best. We think we ought to allow them to keep more of their own money, to make more of their own decisions so that they can do more for their kids, so that they can save more, so that they can take mom out for supper on Saturday night and leave a little more in the collection plate on Sunday morning.

That is what this is all about. This is not some mean-spirited accounting exercise; it is about renewing the American dream. And for too many Americans that dream is dying today.

Mr. KINGSTON. I had a town meet in the little town of Darien, GA. A teacher came there and she said, you know, each week, or each day I spend 2 to 3 hours on paperwork, most of it for the Federal Government. Now, that is 2 to 3 hours a day, equaling 10 to 15 hours each week, 10 to 15 hours a week she is not teaching reading, writing, and arithmetic to the kids.

Now, the question is, who do you think best knows how to educate the kids in Darien, GA, that teacher or Washington bureaucrats down the street from where we stand right now? And as you have pointed out, as much as these bureaucrats love children all over America, I still think because they are in Washington they might not be able to teach them as well as the teacher who is right there in Darien, GA.

And I do not know why everybody outside of Washington, DC, understands that, but the bureaucrats here just do not get it.

Mr. GUTKNECHT. But the story gets twisted. The unfortunate thing is the story gets twisted somehow between what we are trying to do and as it goes through this cycle here and as it gets filtered through sometimes the dominant media culture out there that somehow if we decide to reduce the size of the bureaucracy, the educational bureaucracy, for example, to follow up your point, that if we vote to reduce the size of the educational bureaucracy then we are hurting kids, when in fact there is no real proof that what we are doing right now is helping kids. Test scores have gone down as we have increased the size of the educational bureaucracy here in Washington.

Mr. JONES. During the week at home during July Fourth, just like I am sure you as well as the gentleman

from Georgia, I attend four or five church services that were called God and Country Day.

Mr. KINGSTON. If the gentleman will yield, I am glad to hear that now. You deserve it. You need that.

Mr. JONES. I am going to give this back to you in a moment.

Mr. KINGSTON. I did 15 services myself.

Mr. JONES. Well, I want you to speak about yours in just a moment. I attended four or five church services about God and Country Day and Return to Glory Day, and I must say that it helped, it inspired me for this reason. As you know, both you gentlemen know, and I am on the bill and maybe you both are, I am on the bill introduced by the gentleman from Oklahoma, ERNEST ISTOOK, called the Religious Liberties Amendments, and I had this discussed many times. Why do you in Congress, when you have behind the Speaker's chair ''In God we trust,'' why do you not allow our students to have voluntary prayer in school?

And I was pleased to tell them that ERNEST ISTOOK, a second or third termer from the State of Oklahoma, has introduced a constitutional amendment, and that is the way it should be, to give voluntary prayer back to the States and the schools. And these people applauded in church when I told them that I was on a bill that would help, if it passes the House and the Senate and goes back to the legislatures.

As you and I, all three of us know, and those listening, 38 out of 50 State legislatures have to pass the legislation before it becomes an amendment to the Constitution. But people in America are ready for the clarification of our religious freedoms that the writers of the Constitution promised us, whether you are a Jew, Catholic, Protestant or Moslem.

I will share this and then I will yield to you, the gentleman from Minnesota or the gentleman from Georgia. It so happens that last year, in 1995, a Federal judge in Santa Fe, TX, I think his name was Kent, I apologize if I am mistaken, sent a notice to a high school graduating class that if you were going to use the word ''Jesus'' in a prayer, and it was a Protestant-Catholic group, 90 percent of it, then he would have to have you removed by the Federal marshals.

So what ERNEST ISTOOK and those of us who have joined in this legislation have done is to say all we are asking is that we clarify our constitutional rights to practice religious freedom in America, whether you are a Jew, Catholic or Protestant or Moslem.

So I am pleased to tell you that back home in my district, in eastern North Carolina, and I am proud of this district, we care about religious freedoms in this country, and that is what I think the Constitution is all about.

Mr. KINGSTON. All I will say about that Federal judge is he obviously wanted to go to hell and he did not want to wait in line.

I think it is real important that we understand that what we are trying to do is just get decisionmaking out of Washington. Think about this. In Minnesota, North Carolina, if your county welfare agency knew that it was in their hands and in their power to end poverty in your home county, what a difference it would make, because really we do not look at poverty as our problem.

The thing about Americans is we see a problem, we want to fix it. And so what we have found ourselves subconsciously doing in many cases is ignoring problems because we see something like poverty and we think, well, we cannot fix that. You know why we cannot fix it? Because there are too many rules and regulations.

If somebody is on welfare, a 16-year-old with a baby, she needs health care, she has education needs, she has transportation needs, she has child care needs, and under our current welfare bureaucracy different agencies do different things, and so if you wanted to you cannot solve her problem because there are too many bureaucrats who are telling you this is my territory; this is my territory, and I get her here and I get her here and we do not want you just to have one A to Z program to get this young woman independent.

So, as a result, we all kind of tend to back away from it. But if you knew in your hometown you could make a difference, then you would make a difference.

Mr. JONES. Is it not true that since the mid-1960's, when the Great Society program was established under the leadership of Lyndon Johnson, that it has cost the American people $5 trillion? This Nation today is about $5.3 trillion in debt. So welfare has cost the American people $5 trillion.

In addition to that, what the Republican majority has proposed that even Democrats supported and the President vetoed is a program that would save the taxpayers in 7 years in outlays about $58 billion and lend the programs, or I should say direct the programs back to the States, which most of them want, and the President vetoed it.

□ 2245

Is that not correct, please?

Mr. KINGSTON. It is correct. I think, there again, the President was acting from an extreme point. There is nothing extreme about requiring able-bodied people to work. There is nothing extreme about discontinuing permanent benefits for illegal aliens or telling local folks they can get involved in their own poverty program through State grants.

But the President decided to go for the status quo, and if the American taxpayers have paid $5 trillion, is it not time that we tried something different because of no results?

Mr. GUTKNECHT. Mr. Speaker, I think that is the important point. We have spent $5.2 trillion on the war on poverty. It is terrible in terms of the cost in dollars, but the real tragedy of the welfare system we have created in the United States is not the cost in terms of dollars; it is the cost in terms of human potential.

As I say so many times, we do not have to walk very far from this Capitol building to see the effects of what we have done on people. Go to any of the housing projects. In fact, 85 percent of the violent crime in this city is committed within 3 blocks of a Federal housing project.

We see the despair and despondency and dependency that we have created. The cost is astronomical in terms of dollars, but the cost is so much higher in the cost of human potential. The real reason is when we try to substitute Washington-run welfare systems for those old-fashioned traditional values that really made this country work, things like work, and family, and faith, personal responsibility, those are the cornerstone values that really have made this society work. The problem with the welfare system is not the cost in terms of taxes; it is that it erodes and destroys and eats away at those cornerstone values.

That is why we need to reform the welfare system, not just to save money for taxpayers this generation or the next. We need to reform the welfare system and move away from a Washington-run welfare system because we have destroyed all of those basic values. Look at the families that have broken up, and people do not see themselves as personally responsible anymore. We do not encourage faith. All of those things made this country work.

In the 1840s there was a French gentleman who traveled the United States and he wrote several important books. One was called ''Democracy in America.'' I am talking about Alexis de Tocqueville, and he said it in so many ways so beautifully. It was this volunteerism that really made America work. He talked about religion.

The gentleman from North Carolina [Mr. JONES] talked about ERNEST ISTOOK'S bill that I am cosponsoring as well. De Tocqueville said religion is the first instrument of democracy. Yet somehow we have driven religion and faith from the public square. The only welfare system was through the churches and faith institutions, and now we have said they cannot participate.

I do believe that we have to reform the welfare system and help the President keep his campaign promise. It is much more about human potential and the waste that the Washington-based welfare system has created.

Mr. KINGSTON. One of the things about welfare, in preparation for Father's Day I was doing some research and found out that police departments unfortunately use as an indicator of crime in the neighborhood, not the drug use and not the location or the geography but how many fathers live at

home. Ninety-two percent of the children on welfare do not have a father at home. Those are the kids that do drop out of school, do have teenage pregnancy situations, do have violent crime and so forth.

The fact was unbelievable, but it is that breakup of the family unit. Why is the dad not at home? Because we have a stupid, insane government policy that says if he stays at home, they get kicked out of the housing project because their income will make them ineligible. Does that make any sense?

Would it not make sense to have a housing project where we have stable mom-and-dad relationships, where we can have some model citizens that other folks who live in the housing project can look up to? Does common sense not dictate that we do that?

Instead, we have a Federal Government that says, ''No, dad, you are out of here. If you stay here, she is going to lose her benefits,'' and she cannot go out and find a job and get the benefits and the child care and the health insurance, and she needs that. I do not blame her.

Mr. JONES. The points have been well made. What we are trying to do is to give a program to the States with a financial support because we believe the States throughout America, the 50 States, as has been proven in Michigan and Wisconsin, that the people of the State know what will help those that are dependent on welfare.

The gentleman from Georgia [Mr. KINGSTON] is right. Most of the people on welfare would like to have an opportunity to get off of welfare, but we have a system that punishes them, whether it be that they live in public housing and they go out and get a job and start making a little more money, and they raise the rent and they cannot get caught up. It is the same way with those that want to work.

The point is that we have got to develop a system. I think the States can do a better job—that has been proven—than the Federal Government of saying what works in my country, Pitt County, North Carolina. The State of North Carolina knows better than some bureaucrat that we made reference to 10 minutes ago telling North Carolina or Georgia or Minnesota what works better in their State. Let the people decide. Let the people help people. That is what it is all about.

Mr. GUTKNECHT. If the gentleman would yield, I have had 75 town meetings since I was elected. I did not realize that until we counted.

Mr. KINGSTON. That is extreme.

Mr. GUTKNECHT. That is extreme, but every one of them, I feel better. Certainly we have a few people that disagree with us, and that is part of a democracy as well.

But there is so much common sense among the American people, and they understand exactly what was just said. They understand that the Washington-based, one-size-fits-all, whether we are talking about education, the environment, whether we are talking about welfare, we can take any issue and they know instinctively that it can probably be run much more efficiently and frankly more compassionately if it is run locally and if we allow people to volunteer and to work together. They know that.

It comes up at my town meetings and I suspect it comes up at every town meeting, that the common sense, the decency and the compassion of the American people is overwhelming. But somehow all of that that we talk about here in Washington is called extreme by some of our friends here in the Congress and by some of the folks in the media, and certainly by the people down in the White House.

But outside of this beltway there is tremendous good common sense among the American people. They understand this. Frankly, I have said this before, I think they are way out in front of us. The things that we are talking about I think the American people understand instinctively.

I know that the gentleman from California [Mr. ROHRABACHER] wants to share some thoughts with us tonight. I wonder if we can kind of wrap up. I do want to talk about some of the other things that we may have heard or learned while we were back in our districts over the Fourth of July break. Does the gentleman from Georgia [Mr. KINGSTON] have any? I have a couple of other points I might share.

While my colleagues think about it, I will share a couple. I was surprised in my district how often the issue of the FBI files came up. Frankly, again, I think the American people are out in front of us and I think they put their fingers on the correct questions.

The first question that they cannot seem to understand and I do not understand is how people could be heard in the White House and not know who hired them.

Mr. JONES. Would the gentleman yield? I am not going to take his time, but I must tell him that is the question that was asked of me numerous times. How could Mr. Livingston have such an important job and nobody knows who hired him? That is the point he is making.

Mr. KINGSTON. If the gentleman would yield, I want to make sure we are all on the same page. The question is who hired Mr. Livingston, and he is the political operative who illegally obtained over 900 FBI files on private citizens and invaded their privacy by looking into those files illegally, and has yet to give us an explanation of what he was doing with them, why and who ordered them, and how he is saying he did not even know who hired him.

Mr. GUTKNECHT. One of my constituents raised a point that I had forgotten, and that is that a number of years ago a guy by the name of Chuck Colson went to jail for mishandling one FBI file, and he went to jail for 3 years.

I think there is an instinctive understanding among the American people that if they can misuse the FBI against Republicans here in Washington, that they can misuse the FBI against anybody. It can happen to them. It is a grave concern to the American people.

They are happy that Congress is looking into it, but they also suggested that we have to be very careful that this does not become just a partisan political witch-hunt. I think we have to do our jobs and exercise oversight without becoming overly partisan.

Mr. JONES. If the gentleman would yield, because we may in 1 minute yield the time to the gentleman from California [Mr. ROHRABACHER] so he can have a full hour, but I would like to add to the point very quickly that you, with a badge on your lapel that says that you are a Member of Congress, and the gentleman from Georgia [Mr. KINGSTON], you will have a very difficult time, as I would or anyone else in this membership, to get into the White House. Yet we have a man running a security that nobody knows how he got there. It is absolutely ridiculous and crazy.

I think I have about 2 or 3 minutes left. I would like to yield, if the gentlemen would agree, the remainder of my time.

Mr. GUTKNECHT. If I could, just for 1 minute, one other very important question was raised. I think this is one of the best questions that I heard. I am embarrassed that I did not think of it. If this is an innocent bureaucratic snafu, why is it that the bureaucrat who was most responsible when he was called before the Senate, why did he take the fifth amendment? There are a lot of unanswered questions and I think the American people are expecting us to get to the bottom of it.

Mr. JONES. I thank the gentleman from Minnesota and the gentleman from Georgia for participating with me tonight.

FBI FILES SCANDAL

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from California [Mr. ROHRABACHER] is recognized for 60 minutes as the designee of the majority leader.

Mr. ROHRABACHER. Mr. Speaker, I would like to ask my colleagues to continue joining me in this discussion, and then I will use the last half-hour or whatever I have left to go on about the patent issue, which is an issue that I have been championing here, and will go into great detail for the record after we are done with this discussion.

Let me just note that I worked in the White House for 7 years. I was a speech writer for Ronald Reagan during that time period. I am fully aware of the apparatus in the White House, and I was absolutely horrified to see what was going on there in terms of these FBI files.

Let me also note that I was horrified when Billy Dale, who was a hard-working, just regular human being, a civil

servant who spent his time in the Reagan administration but before that the Carter administration, so Democrat and Republican administrations, sacrificed his life, had done a terrific job, always having to improvise because every time it was a crisis getting people here and there, and then to have this person fired dramatically, right off the bat.

This President showed what he thinks of the working people and the standard operating procedures of the White House by firing this civil servant, and trying to replace him with who? Some Hollywood producer who had a travel agency, in order for them to get this person into a position to basically make some money off getting people to and from Presidential functions.

Well, that was totally out of line, the procedure was totally out of line, but the President did that, and now we find out that that was just basically the first significant indication of what this White House was going to be like.

We would not even know about the FBI files, the hundreds of FBI files that are in the hands of a political operative, actually two political operatives, Democrat political operatives people who had been active in campaigns. Not only active in campaigns, but their job in the campaigns was opposition research, dirt diggers.

These people ended up with hundreds of FBI files in their position, and would we know about it if the Republicans had not won control of this body? We had to subpoena these documents. We had to force the While House to give us the documents which eventually led to the information they had violated the procedure, that they were such scofflaws at the White House that they permitted this to happen.

□ 2300

Let us note one thing, Chuck Colson, I was a reporter prior to becoming Reagan's speechwriter, I remember Chuck Colson. I was a reporter during the White House and Watergate years. I remember what Chuck Colson went to jail for. He went to jail because he was in possession of one FBI file and showed half of one FBI file to one person who was not qualified to see that FBI file. And now this administration has put hundreds of FBI files in the possession of political hacks.

Mr. KINGSTON. Mr. Speaker, if the gentleman will yield, I wanted to make a point. I have a staff member whose file was pulled. I want to give you the background, because when you think about this political operative left over from the Al Gore campaign, this Livingston and Marceca fellow, you think that they are checking out NEWT GINGRICH's file or maybe DANA ROHRABACHER's file, but here is a profile of somebody who they checked on: hometown girl from Savannah, GA, mid-twenty's, graduated from the University of Georgia, comes to Washington, idealistic, as we all see thousands of young people each year, comes to Washington, gets a job, maybe making $18,000 a year in the White House. She is not in the inner circle. In fact, she never sees the President. But it is fun and exciting and in her own way she got to help change America. Well, 2 years of that, Clinton wins, she is out. She has moved up the ladder. I hired her for $25,000 a year in her late twenty's. This is the kind of person we are talking about.

Now she finds out that her FBI file has been pulled and that some sleazy political operative is looking at her college education transcripts, her speeding tickets, her employment records, if a neighbor said something bad about her.

Mr. ROHRABACHER. Every dirty little thing that anybody can say, totally unsubstantiated rumors are put in FBI files. And they are put in there so that later on if there is a problem, people might follow up, the FBI might follow up to see if there was someting valid to this terrible rumor.

So this young lady that you are talking about, if she is ever made an enemy of somebody by stealing somebody's boyfriend, if that person is jealous and says terrible things about her moral character, that is in those FBI files.

Mr. KINGSTON. If they can invade her privacy, none of us are safe.

Mr. GUTKNECHT. If the gentleman will yield, I would come back to a very important point that Representative ROHRABACHER raised. That is this whole story started with the firing of the White House Travel Office, and we heard the testimony. We have the documentation, sworn testimony that the reason was they wanted their people out, they wanted out people in. We need those slots. That was a direct quote. That was a direct quote.

What really disturbs me about this story probably more than anything else was they had every right to fire those people. The truth of the matter is, they had the right to fire them. They were at will servants. They could be fired at any time. But they were not satisfied just to fire them. They had to make the story better. They had to embellish the story. They had to besmirch these people.

Mr. ROHRABACHER. They charged them with crimes.

Mr. GUTKNECHT. I will tell you what, what really eats at me more than anything else, maybe it is because my dad is getting on and my father-in-law is now gone, but what really bothered me more anything about that story was that two of the seven of those individuals had to bury their fathers while their fathers went to their graves not knowing that they were not crooks.

In other words, their dads went to their graves not knowing that their sons were not crooks because the White House fabricated these stories. They used the FBI. They abused the IRS. That is all part of the testimony.

Mr. ROHRABACHER. We know what happens when someone is put into this situation. Ordinary working people, they say, you can defend yourself against these charges. We know what that means. That means that someone's life savings is gone. That means that someone who has been saving up for maybe all their life in order to have a little house at the lake or something or a dream vacation with their wife, that is gone. That is over with. Any of the niceties that they wanted to save up for, gone, because the money that should be going into that which they have worked for and struggled for all their life goes to pay some lawyer to defend themselves from going to jail so that the President of the United States can put a crony in that position.

Mr. GUTKNECHT. It is true that the money cannot be replaced. What really cannot be replaced is your reputation. I cannot imagine much worse than having my daughter call me, as I think Billy Dale's daughter did call him when she saw the story on the national news, where they were accusing him of fraud and so forth. And his daughter said to him, Dad, say it is not so. I do not know how you could talk to your family. I do not know how you could face your family when on the national news you are being besmirched this way.

I sat in these hearings. I was absolutely certain, absolutely convinced that they were wronged and that I told them I hoped that whoever was responsible, and I think we have a responsibility to try and get to the bottom of who is culpable under this, but I told them that I hoped that whoever was responsible would have to pay and pay dearly because it seems to me that where this whole story started with the seven White House travel office employees and then you see the pattern that has evolved, and it is always denial, delay, an they do not want to give the documents.

Mr. ROHRABACHER. How this ties in, of course, is that Billy Dale's FBI file was pulled in order to what? In order to destroy that person, in order to give cover to the President and his clique. They were going to destroy this man, and those are the people now who are in possession of hundreds of other FBI files. This is totally outrageous.

Chuck Colson goes to jail for one half of one FBI file and these people and these media, I might add, who are sitting and letting this thing go by, yes, there is some criticism, there is some criticism, but have we seen the follow-up questions and the follow-up questions at the press conferences that we would have seen if this would have been a Republican administration?

Mr. GUTKNECHT. As the one fellow said, if this was an innocent bureaucratic mistake, why is the bureaucrat most responsible taking the fifth amendment: If it is innocent, I would think they would be eager to get all this information out. They would be eager to get it all cleared up.

But somebody said, Well, the people in the White House should come clean. It only helps to come clean if you are

clean. And the fear and the suspicion that is building here, and I think among the American people, is that there are people inside that White House who are not clean. And there has been things going on there that they are not proud of, no one is proud of. The only way it is going to stop is if the Congress exercises its constitutional responsibilities and actually, the whole system is built on a system of checks and balances. It would not happen if it were not for the Republican Congress.

Mr. ROHRABACHER. This would never have happened, the American people would never know about this had the Republicans not won a majority in this body. Even with the Republican majority, the White House tried to stonewall us every step of the way in getting this information.

Mr. GUTKNECHT. I am going to close. I just want to share one other thing that I learned from one of my constituents, and it is a very important thing. He said, this was several months ago when I was home, he said, sometimes, and we get into this, Republican versus Democrat, he said, it is not Republican versus Democrat. In fact, he said, it is not even really right versus left. He said, it is right versus wrong. And what we have been talking about, some of the instances that we have been talking about tonight, it really is right versus wrong.

Mr. KINGSTON. I want to mention to you on the subject, I sit on the Appropriations Subcommittee, Treasury, Post Office, White House. We fund the White House and we put in an amendment that said that if you worked for the White House, that unless it involves national security, you are not allow to look at anybody's FBI file, period. That amendment was passed on a bipartisan basis. We had a few Democrats who voted ''no'', but the ranking member supported it and so forth and we passed it.

Because exactly what your constituent said, this is not Democrat versus Republican, this is right versus wrong. If you are over at the White House and you need to look at somebody's files for national security purposes, particularly with all the people who are falling out of airplanes and jumping over the White House fence, I want the President to be protected. I want him to grow to be an old man. I want him to enjoy his last few months of being President peacefully. But the fact is that we do not want people over there on an extracurricular basis invading the privacy of normal citizens.

Mr. ROHRABACHER. This is totally consistent. Even before Billy Dale was fired, I remember when this administration came in, I remember it like it was yesterday, all of a sudden they started calling taxation, what, contributions. And they started calling government spending an investment. Remember that? They would not use the word ''taxation'' and they would not use the words ''government spending.''

And when I knew that when someone who is so disciplined to do something so, what I considered disrespectful as to try to just change the words so the American people do not even know what is going on, so they cannot make a decision based on what policies they like or do not like because they are just corrupting the whole language so the American people will not understand what they are talking about, I said, this is one of the most heinous administrations that I have ever seen.

Mr. GUTKNECHT. It is almost 1984. It goes back to that book. But I will say this, again, I will close becasue I know you want to talk about patents. I think it is really refreshing to go home and have town meetings. And, frankly, I think the American people are a lot smarter than some of the polls and some of the newspaper people and some of the media people and some of the people in this city give them credit for. I think they are beginning to figure this out.

Mr. ROHRABACHER. I had faith that the American people would know that taxes are not a contribution and that all government spending is not just an investment. I think we can trust the American people. It says in God we trust, but was also trust the American people. And we hope that God works his will through the American people. So I wanted to thank you both.

Mr. KINGSTON. I thank the gentleman for yielding.

THE STEAL AMERICAN TECHNOLOGIES ACT

Mr. ROHRABACHER. I appreciate being part of that discussion.

I would like to now talk a few minutes about another issue that is, I believe, perhaps just as disturbing as anything we were talking about in terms of what is going on down at the White House.

I have spoken on the floor on many occasions on this issue. But it has yet to come to the floor because there seems to be some maneuvering going on. The issue I am talking about is whether or not the American patent system will survive as was envisioned by our Founding Fathers and whether the patent rights of the American people will be protected or whether the patent rights as we know them will just totally be destroyed and another system, totally alien to the patent system of the United States, superimposed on us, destroying our rights as Americans and hurting our ability to compete and to produce new technologies.

I have spoken on this so many times that everywhere I go people are asking me, how is it possible that after I have given so many speeches and I have been on so many talk shows that Congress still may pass, and there is a very good chance that this bill still may pass when it comes to the floor, and that is H.R. 3460, I call it the Steal American Technologies Act, how is it possible that a bill like this, like H.R. 3460, that will basically destroy the American patent system as we know it and that will mandate every American inventor to fully disclose all the details of every new invention that he is working on, even before the patent is issued, how is it possible that patriotic Members of Congress may well pass this travesty into law? This attack on America's future may well pass this body and this Congress.

I am standing here basically by myself tonight. So how is it possible, when this room is filled with all of these people, 435 Representatives, that they could possibly pass a bill like this. Because once you know the basics, that it is going to mandate that every inventor disclose to every thief in the world every secret of new American technology even before patents are issued, that does not take a rocket scientist to know what the outcome of that is going to be.

Yet I am telling you today that when this vote comes to the floor, if it comes soon, it will happen, there is a good chance that the 435 Members of this body will vote to make that part of the law. They will vote to take, which is another part of H.R. 3460, the Steal American Technologies Act, they will vote to take the current patent office, which has been part of the United States Government since our Constitution, since Benjamin Franklin wrote it into our Constitution, and obliterate it, eliminate it as part of the Government and resurrect it in a new form, which is a post office like, quasi-corporate entity that, once resurrected, would be under the control of one director who could not be removed for policy decisions but instead only for cause. Once he is in there, he has almost dictatorial power over the patents issued to the people of the United States.

How is it possible that we would be willing to take this system that we have got that has done so well for America and come up with this result?

Well, it is possible, number one, because there are powerful foreign multinational and even domestic corporations that want to steal people's patents. Surprise, surprise. Is anyone really surprised when they hear that? Is it odd that a foreign corporation or some multinational corporation or even a huge domestic corporation would like to steal people's ideas and not pay them for royalties for their new ideas and their new creations?

□ 2315

Well, that is not odd at all when you think about it. That is not odd at all. It is odd, however, that 435 Members of Congress are going to listen to big corporations and perhaps not take it one step further and say: ''Wait a minute. What does this mean to the American people?''

Their interests basically, these very, you know, big multinational corporations, their interests are not the same as those people who are part of the citizenry.

Now, that is not hard to understand as well, and basically these large corporations, unlike the American citizenry, have money to pay for lobbyists,

they actually have access to congressman, they have access to me as well, just like every other congressman. We will listen to the big corporations in our district because they employ a certain number of people in our district, but we have to understand that when we are talking to corporate representative, that that representative may not even represent the interests of his own working people. He may only represent the interests of the people who own that corporation. And Lord know who own these corporations these days. Might be national interests, might be foreign interests, might be who know who is really controlling the board of directors of many large corporations?

But one thing is for sure: That corporate entity does not necessarily speak for the well-being of the community, or the State, or the country, or even the employees of that corporation, to some degree.

Now, they claim, the big corporations claim, that the reason why they are backing, the most of the large corporations are backing, this H.R. 3460, the Steal American Technologies Act, they claim the real reason they are doing that is to stop a few inventors from gaming the patent system. It is called submarine patenting. That is what they claim is the reason that they want to make these drastic changes in the patent system of the United States of America: because these few people, they are gaming the system, and by doing so they extend the length of time that the patent will be actually in force in the outer years when that time period would not really be due to them had they not, quote, elongated the system and worked it.

Well, to stop this submarine patenting, these powerful forces claim that we must destroy the whole payment system. That is a patent system that has served us well since the founding of our country. We cannot do other things that will perhaps try to solve the problem for administrative, you know, focus on the problem. We cannot do things by trying to basically just single out submarine patenting and say these are the things we need to do to solve that. No, we have to basically destroy the American patent system and replace it with something else. That is their excuse, that is the basic excuse that they are using for their actions, the submarine patent issues.

Basically it is like a doctor saying: ''Well, you got a hangnail. Oh, yeah, I see you're in pain, and I really sympathize with that. Hangnails are problems, and hangnails are bad. Look at how evil hangnails—here is a giant picture of hangnails.'' And then you hear lectures about hangnails, lectures about hangnails, and in the end the doctor says, ''And by the way, we're going to amputate your leg in order to cure the hangnail.''

You say: ''Wait a minute, doctor, I just want my hangnail cured. Can't you just sort of cut the nail off or something?''

''No, no. We're not going to think of anything else. If you want to talk about anything else, we know you're in favor of hangnails. We're going to amputate your leg.''

Well, if you get a doctor giving you that type of, you know, that approach to solving your hangnail problem, you better get yourself a new doctor or you better question what that doctor's motives—or you better question his sanity.

To stop a few inventors from having a couple of extra years on their patent term, the idea of destroying the patent term as we know it, eliminating the guaranteed patent term of 17 years, it is absolutely ridiculous. You basically are declaring war in order to stop some petty theft at a local store.

We must basically—what they are asking us to do is to force all our creative people in the name of stopping a few submarine patentors who are gaming the system to elongate their patent by a little bit—basically we are, in the name of doing that, we are going to force every one of the inventors of the United States of America, every one of our creative geniuses, to expose and to publish every detail of the new technologies they are working on. They are saying, on top of that, we are going to obliterate the Patent Office as part of our Government and resurrect it as a quasi-independent, post office-like government corporation.

Now, that does not make sense, that in order to solve that problem that we have got to go to those lengths to do it. That is why I happen to believe that the submarine patent issue is what we call a straw-man argument. I mean it is something that has been created there for people to argue with, and it is really not—you know, really you are not fighting against the submarine patent because the submarine patent issue may or may not be real. It is a problem, but compared—but obviously it is such a small problem as compared to the incredible solution that is being offered us that that may not be the real force that is driving the changes in our patent system.

By the way, one of the things that they are suggesting as a solution to the submarine patent problem is this new system, of course a new patent office, totally new patent office, obliterate the old one that has been serving us since the Constitution, and in the new Patent Office the patent examiners who decide—these patent examiners, they work hard, and they decide who owns these new technologies that are worth billions and billions of dollars. Some of these new technologies will be creating billions of dollars of wealth. The new patent examiners in this new quasi-government, quasi-private corporation will be stripped of their civil service protection, which is an invitation to people from the outside to try to influence the process, and it is an invitation to corruption because these people now will not have their civil service protection to protect them against being fired for unjust reasons.

Now, this is a scenario that we are going to take these civil servants who have been protecting us, that we are going to change the system that has been protecting us and that we are basically going to force our people to publish everything so every thief in the world can see it.

This is an obscene and an insane proposal, and I have no doubt that some of those pushing the H.R. 3460, the Steal American Technologies Act, actually believe that this destruction of the American traditional patent system is necessary because a few inventors, so-called submariners, are gaining a few extra years out of the system.

But I also have no doubt that for many of the multinational corporations pushing H.R. 3460, this submarine issue, like I say, is nothing more than a front, and what they really want to do, what they really want to do is to steal and to control the new wealth-producing technologies that are being invented by Americans, especially those in the years ahead.

So there are some people who are very sincere and, I am sure, have been taken in by the argument. There are also some people who know very well, the corporate interests who are out in the hinterland pushing this, know very well that they want to take American technology and use it without paying for it.

I mean this is an incredible scenario. People can say: Can this really happen in the United States of America?

Yes, it can, and the 435 Members of the body here could possibly pass this bill.

It is heinous, and it is evil, and basically, if they get away with it, they will be not only stealing technology, but they will be stealing the standard of living of the American people's children today. If we Americans lose our technological edge, the standard of living of our people will go down, and our children will suffer because of it. Our Nation will not be able to compete as we are today.

What gives us the competitive edge today? What gives us the competitive edge is the fact that you know people making more money, they have better technology in order to our-compete those poorly paid people overseas.

Yet as I said, Congress may pass H.R. 3460, and why? Because many Members, perhaps a majority of my fellow colleagues who are going to vote on this issue, do not know a thing about it. They do not know about this bill. They are at home now asleep or they are with their families or out to a movie or they are reading their work for tomorrow, their paperwork for tomorrow's committee session. Whatever it is, most of my colleagues are not listening to this. But if your Congressman does not know about it, your congressman, a Congressman from anywhere in the United States could vote on this bill, and you know about it, but that Congressman does not. Someone who is reading the CONGRESSIONAL RECORD or

listening in over C-SPAN will now know more about this bill than their own Congressman, and it is vital, if democracy is to work in an atmosphere like this, that the people get involved in the process because you make a difference; every citizen makes a difference when it comes to a situation where a bill may come to this floor when people out there listening to C-SPAN know more about this bill than their own Representative in Congress does.

By the way, this bill already passed through subcommittee and committee, and it passed through in a breeze. There was almost no opposition in the committee.

Now, I am not a Member of either one of those committees, but I did ask members of the subcommittee and the committee if they knew that the bill that they had voted for would mandate the publication of all of our American ideas to every thief in the world so every thief in the world would know it even before the patent is issued. And I will tell you that Members I talked to said:

''Oh, no. It doesn't do that. No, no, you're kidding me. That bill doesn't do that.''

I said:

''Yes, it does.''

''No, no, no. It doesn't. No one would put that bill in front of us like that.''

The members of the subcommittee, several of the members I talked to, would not believe me that that is in the bill. Because they could not believe that the committee would actually pass something so stupid.

Well, how about eliminating the Patent Office and ripping away the civil service protection from our patent examiners? I asked several of my Democratic colleagues about that.

''Oh, no. That's not in the bill. I didn't vote for that. That's not what happened.''

But it was, and the fact is those colleagues that I talked to are very concerned about public employees and whether or not Government people who work for our Government, Federal employees, are being treated fairly, and they could not leave believe that was in the bill. They had just voted for it.

It takes telephone calls and letters from constituents to get the attention of many people who are voting on this floor, especially when they are being approached by powerful interest groups like huge corporations from their own district.

Now, basically there is only one thing that I believed in, can basically stop this underhanded attack on America's future, and that is if our system, as our Founding Fathers envisioned it, works, and meaning that the people of America start working at making sure that our system works. Basically people have got to call their Congressmen or their Representative here in the House and insist that he or she oppose H.R. 3460, the Steal American Technologies Act and support the Rohrabacher substitute. That is my substitute that I will offer on the floor if this bill gets to the floor, and, as I say, there is some back-room maneuvering going on now that may—that you know, I will have to watch out very carefully for and the American people may have to mobilize to oppose H.R. 3460 at a moment's notice.

My substitute will eliminate the provisions of H.R. 3460 that would critically wound our patent system and replace them with the language in the bill that restores American patent protection. Basically we are going to restore something that was taken away, and most Americans do not even know this was taken away.

Up until this Congress passed the GATT implementation legislation, Americans, as a right just like any other right, the right to go to church, the right to speak, the right to assemble, you name it, that we have a right to a guaranteed patent term of 17 years. This is something we have had. It was 14 years for about the first 50 years of our country, and then after that it was 17 years of a guaranteed patent term. It was always our right to have a guaranteed patent term, meaning no matter how long once you applied for a patent, no matter how long it took you to get your patent, you were guaranteed after that patent was issued that you would have 17 years of protection.

Well, has already been obliterated because into the GATT implmentation legislation we snuck a provision that was not required by GATT. This was not something that we agreed to in the General Agreement on Trade and Tariffs. We did not agree to changing that. These people just snuck this provision in even though it was not required by GATT, knowing that we would have to vote for the Whole GATT—you know if we did not, if we wanted to stop this, we would have to vote against the entire world trading system.

□ 2330

So they have already eliminated that. My bill, by the way, H.R. 359, which is my substitute to the Steal American Technologies Act, would restore, would take their language out and put language into the law that restores the guaranteed patent term that was taken away 1½ years ago.

This battle is so vital that I would hate to think that Members are going to vote on this and not be fully aware of what they are voting on. We cannot sit back and expect that that is going to happen on its own. Many Members may think that this bill, when they come in here to vote on it, is just a routine bill that has no interest to their constituents and no long-term interest to the United States of America, because what we have is huge corporations with a lot of money pushing H.R. 3460 on one side, and a bunch of little guys on the other side. We have the Inventors' Association, small business people.

Many of America's universities are on the side of the Rohrabacher substitute, because they rely on the royalties from their own patents to sponsor much of their research at American colleges, and they have come out, MIT and Harvard, many of the major universities in our country, 60 of them have come out in favor of my substitute.

But basically they do not have the money to put in to fight this. They do not have big PR firms coming down to talk to us and lobby us. So basically we have to make sure, the American people have to make sure, that the people representing them in Congress know how important this is.

Let us get down to basics, get down to the basics of why it is important. America has had the strongest patent system in the world since the founding of our country. This is basic to what our Founding Fathers believed in. We needed up, because we had this patent protection, with more freedom and a higher standard of living than any other country in the world. Average people were living well. They had rights. They had decent lives. We were not created by people who thought we were going to be a country where just the elites lived well.

We have seen that erode over the years. But before this time, during the last century and even now, America has been the world's innovator. McCormick, the one that invented the reaper, and Fulton, the steamboat; it was Samuel Morse who invented the telegraph, and Bell the telephone; Edison the electric light; and of course two fellows, two ordinary Americans, two fellows who did not have a big college education, who worked in a bicycle shop, two brothers invented the airplane, invented manned flight.

If they had to change the rules back then, who knows, the Wright Brothers, would they have kept their invention? Maybe Mitsubishi would have come by and stolen their ideas, because it had not been published, so Mitsubishi would hear about it and read about it, and then come into court. And you tell me who is going to win in court, the guys in the bicycle shop, or this huge megacorporation over in Japan trying to steal the patent. Tell me who is going to win in court in a situation like that. We would have ended up with an aerospace industry in Japan, and we would end up with working people in the United States impoverished.

Instead, our Founding Fathers knew the importance of technology and put that right into our Constitution. It did not just happen. Thomas Jefferson and Benjamin Franklin, they understood that. They planned for it. Thank God for our Founding Fathers, thank God for their foresight.

Now we are taking that idea of technology and freedom, and people right now are maneuvering behind the scenes to destroy that basic concept. Other countries, of course, will own their patent systems over the years. Those patent systems were established to help

who? It was totally different than our system. Their patent system was based on the idea that what we want to do is have a patent system so that we can get the information out to as many people as possible, so that our corporations will be able to have all this information, and they will be able to put it into their production processes.

That is a totally different concept than what emerged here in the United States. There they felt it was more of a collectivist approach, and the system was set up to help the hierarchy. Here we believe that patent protection is like the protection of property rights.

In fact, a patent as established by the Constitution is a property right, just like owning a small farm. Our Founding Fathers did not put things in about collective farms, like they did in Russia and all this stuff, because they knew if the individual farmer owned his own land, that we would produce more wealth from it.

They knew also that if you had patent protection, that our creative genius, our American people would come up with ideas that would produce enormously more wealth, and they would do it because we were protecting that new idea as their right for a given period of time, a guaranteed patent term. That served us well because we looked at the invention of new ideas as the creation of new property, of new wealth.

With this, with this idea, as compared to the Japanese system and the European system, which looked at a patent system as just a distribution of information, America became an unmatched economic dynamo in the world. We were on the cutting edge of all new technologies for a century and a half, because we had a patent system that encouraged our people, and that is why we prospered.

Some people say Americans worked so hard. That is why America is a prosperous country, because Americans worked so hard. I hate to tell you this, Mr. Speaker, I have been all over the world and there are a lot of people who work really hard. They work hard. They struggle and they slave and they sweat, and they get nowhere. They have no standard of living, they are treated like dogs. They have no decent living for their family and they have no hope that their family will ever live any better.

Why is that? Because when our people worked hard, our people had the benefit of cutting edge technology. Our people were always equipped with the best technology so they could produce more wealth. When they worked hard, it was as if 20 or 30 or 50 or 100 other people in other countries were working hard, because those people were basically working as slaves. Our people were working as independent, proud laborers and were provided the technology they needed because we had a system that encouraged people to invest in technology; because it was a guaranteed patent term, people would invest in it, and also inventors could come up with new ideas because they would benefit from that guaranteed patent term.

Basically, with that technological edge, we defeated our enemies in war. We did not win the cold war because we matched the Communists may for man. We did not win the cold war because of that. Everybody knows that. Look back at our other wars. We did not win these wars because our people just, you know, had human wave attacks against our enemies. It was because our people were equipped with the best technology, and we could send them into battle with the dignity of knowing their lives counted, and we were trying to do our best to help them do their mission and come home safely, because we invested in the technology.

That was the same reason we were winning the economic wars. We beat our economic competitors because we had technology. Coupled with the hard work and responsibility of our people, this new technology made sure America beat our competitors and ensured a higher standard of living for our people.

That has not escaped, by the way, the attention of our adversaries. That is very easy to see. Our adversaries understand that fact, that it has been our technology that gave us our leverage. So should it surprise anyone that today our patent system is under incredible attack, and that it is kind of a hush attack, people do not know not know much about it? Even the Members of Congress do not know about it. Even the 430 Members of Congress who are going to vote on this do not know about it.

But I can tell the Members, our economic adversaries know exactly what is going on. They understand that America's patent system has provided us the edge to defeat them in the past, so what they are going to do is just totally change and destroy our American patent system. If it is done in the way, the manner that is going on, they may just succeed.

How we can see this is really easy. Bruce Lehman was appointed by Bill Clinton to head our Patent Office. He is the head of our Patent Office. One of the first things he did was go to Japan, and there in Japan he signed a hushed agreement. I have a copy of that and I put it in the CONGRESSSIONAL RECORD a couple of weeks ago.

He signed a hushed agreement with the head of the patent office in Japan, and here are two unelected officials, and what was the agreement? The agreement was to harmonize the American patent system with Japan's. It did not say anything about submarine patents. They are going to claim the reason they are doing everything is the submarine patent, get rid of those submarine patents. But in reality that agreement in Japan mentioned nothing about submarine patents.

What it did say was that our system was going to be cast off, and instead we were going to have the Japanese system superimposed on us. That is what harmonization means. Harmonization does not mean we are bringing the Japanese up to our level of protection. It means that our people are going to lose protection and our system is going to become like Japan's. What kind of system does Japan have? Let us just remember this.

How many new inventions have come out of Japan in the last 100 years? The Japanese are accurately known as people who are basically copiers and improvers, and basically people who perfect other people's ideas and other people's inventions. They do not, they are not known, because they do not really develop a lot of new technology on their own.

Why is that? Under the Japanese system, yes, they have immediate publication. What happens when they have immediate publication in Japan? Immediately the big guys, the huge corporations and these Japanese conglomerates and these monopolists surround the little guy, and this little guy, or maybe it is just two bicycle shop owners, just two brothers who work in a bicycle shop or something, but whoever it is who has the idea, they are confronted with the most powerful economic forces in society and they are beaten down. They are beaten down and they are destroyed if they try to resist.

The Japanese have had to put up with this, and Japan has been the worse for it, because their creative people have not had the outlook the American people have had. Thus, they have had to rely on the United States and others to produce the technology they need for their whole industrial infrastructure. Now people in our Government are trying to maneuver to make our system identical to what Japan has had in these last 50 years. It is absolutely mind-boggling.

Basically, how are they going to achieve this? Step No. 1, as I said, already happened. It already happened. We had our guaranteed patent term of 17 years and they snuck that change into the GATT implementation legislation, and it sailed right on through. I will tell the Members, I was outraged. I felt betrayed, because I had supported the GATT implementation legislation. I voted for fast track, knowing that there was an agreement that they would not put anything into the GATT implementation legislation unless it was required by GATT itself, and that way they could bring the whole bill here. That is what fast track means, they could bring the whole bill before this Congress and there could be no amendments, you would have to vote up-or-down on it. They snuck this provision in as if it did not mean anything, but it has tremendous implications for our future.

I raised hell about it, and the gentleman from Georgia, NEWT GINGRICH, and other leaders of the Republican Party guaranteed to me that I would

be able to have a chance to rectify that on the floor of the House of Representatives. That is why I then authored a bill, H.R. 359, and submitted that legislation, because I had that guarantee that they would have a chance to rectify it, because it should not have been in the GATT implementation legislation in the first place.

Guess what, H.R. 359 was tied up in subcommittee for over a year. Eventually what came out of subcommittee was not H.R. 359, but H.R. 3460, which is officially the Moorhead-Schroeder Patent Act, which I am calling, and I think more accurately is reflected by the title, the Steal American Technologies Act. So at least, however, I have been guaranteed that if that bill, H.R. 3460, comes to the floor, that I will have a chance to offer my bill, which restores the American patent, guaranteed patent term, as a substitute for 3460.

Basically, I believe H.R. 3460 would finish the job, and if we take a look at it, this is what the provisions are, it would finish the job of harmonization started with this underhanded change in the GATT implementation legislation. America's huge corporations have apparently bought off on the idea that we should have a global economy, and that our harmonization of patent law with the Japanese is the first step toward this global economy.

I happen to believe that global commerce is a good thing. I am not an isolationist and I am not someone who is a protectionist. I believe in free trade between free people, and I make absolutely no apologies for that. If American companies cannot compete, they should not be protected by the Government.

But we should make sure that we set the ground rules up so Americans are protected from having their technology stolen from them and used against them, and basically H.R. 3460 would take us toward global harmonization, a global economy, by destroying the rights of the American people, by attacking our ability to create a high standard of living in America. In other words, they are trying to bring down the standard of living of the American people in order to achieve a global economy; you know, dilute our rights as Americans. It is ridiculous.

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What does H.R. 3460 do?

No. 1, it demands that any idea, when an inventor comes in and applies for a patent after 18 months if that patent is not issued, that inventor is going to see his ideas published so every thief, every Asian copycat, every pirate in the world will be able to see it and steal it. No. 2, it obliterates the Patent Office as we have known it since it was put into the Constitution and resurrected some quasi-governmental or quasi-private corporation which is basically run under the dictatorship of one man who is appointed by the President but cannot be kicked out without cause, not just for policy disagreements. The patent examiners there will lose their civil service protection and there is an invitation to steal our technology and an invitation to corrupt the whole system at the Patent Office. Basically we will have established a czar of the Patent Office for 5 years.

Mr. Speaker, we do not need czars or dictators or kings in the United States of America. We need Government officials who are accountable to the American people for the decisions that they are making. Basically this is a formula for catastrophe. We are basically trying to remake the American patent system into the Japanese system.

I had a Member of Congress tell me today, ''Well, you know, if those other countries have certainly gotten their systems ahead of ours and they're more modern than ours, we should have a patent system like theirs.''

I wanted to basically explode when I heard this idea that the Japanese system—that has fostered no new improvements, that has kept the Japanese people at the mercy of these huge corporate interests—that that is a better system than ours which was established by our Founding Fathers to guarantee the property rights of our people and has basically given birth to a standard of living and a degree of freedom that the people of the world have never seen before, that the Japanese system is better than ours? Basically there are many people who have influence on the people who will vote on this. There are large corporations, there are people who maybe honestly believe that we have to have a global economy and if it means sacrificing the American people, so be it, because a global economy will bring world peace and all the blah-blah-blah. Well, those people may believe in it. Those people may really believe and there may be some who honestly believe that the submarine patents are so heinous that we can destroy everything in order to get to those few submarine patenters. Let me add this about submarine patenters just to let you know. Ninety-nine percent of all people who apply for a patent in the United States beg and plead to have their patent issued immediately. ''Please give me my patent right away,'' because they know until they get the patent issued to them, they cannot go out and start earning money from it because they cannot get investors, that very few investors will invest in patent pending. But if you have got your patent issued, they will pay attention to you. They are pleading, please, and they know, and these, quote, submarine patenters they are talking about, if they elongate the system, they might find out that they are left behind because new technologies have come along and just left them behind and made their, quote, great technologies obsolete. They know that. The submarine patent issue, some people may believe in it. I hope they listen to the arguments I am presenting because I believe it is a totally fallacious argument that is being used to justify a horrible, horrible change in our system that will bring about terrible consequences for the United States of America. How can we stop this juggernaut? Those people who honestly believe in submarine patents, if they do, they do. You try to give them the logical arguments. But those other people, those other companies, those other corporations and those people, the influence peddlers they hire, we can stop them because democracy works. We can stop them if people will contact the man or woman who represents them in Congress and say, H.R. 3460, the Steal American Technologies Act, has to be defeated, and the Rohrabacher substitute has to be put in its place. If we get enough people doing that, we will make the system work, I believe it will work, and I believe we will triumph over this, because 200 years ago when our Founding Fathers and mothers established this country, there were so many hardships and there were so many challenges and they knew that people would be coming at us just like this. Our Founding Fathers knew this. They knew that people would say, ''Hey, where is America's Achilles' heel?'' They knew that. They knew they would come straight forth. But they also knew you could trust the people, you could count on people to defend their standard of living and their families and their freedom. That is what we are up against today. It is a fight for the future of the United States of America. I hope and I pray that the American people will become activated after the Fourth of July and that we will win the day.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. DUNN of Washington (at the request of Mr. ARMEY) for today, on account of personal reasons.

Mr. YOUNG of Florida (at the request of Mr. ARMEY) for today and the balance of the week, on account of medical reasons.

Mr. LONGLEY (at the request of Mr. ARMEY) for today after 3:30 p.m. and the balance of the week, on account of personal reasons.

Mr. YATES (at the request of Mr. GEPHARDT) for today after 5:30 p.m., on account of personal reasons.

Mrs. LINCOLN (at the request of Mr. GEPHARDT) for today and the balance of the week, on account of medical reasons.

Mr. WATT of North Carolina (at the request of Mr. GEPHARDT) for today, on account of personal business.

SPECIAL ORDERS GRANTED

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

(The following Member (at the request of Ms. PELOSI) to revise and extend her remarks and include extraneous material:)

Ms. NORTON, for 5 minutes, today.

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

Mrs. SMITH of Washington, for 5 minutes, today.

Mr. RIGGS, for 5 minutes, today.

Mr. KASICH, for 5 minutes, today.

Mr. GUTKNECHT, for 5 minutes, today and on July 11.

Mr. WELDON of Florida, for 5 minutes, today.

Mr. MANZULLO, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. OBEY, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. KINGSTON, for 5 minutes, today.

EXTENSION OF REMARKS

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

Mr. ROTH, and to include extraneous material, notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $1,337.00.

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

Mr. ENSIGN.
Mr. BEREUTER.
Mr. BILIRAKIS.
Mr. CRAPO.
Mr. KING.
Mr. DUNCAN.
Mr. ALLARD.
Mr. COBLE.
Mr. ZELIFF.
Mr. MICA.
Mr. DELAY.

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

Mr. VENTO.
Mr. KENNEDY of Rhode Island.
Mr. FRANK of Massachusetts.
Mrs. MEEK of Florida.
Mr. LEVIN.
Mrs. MALONEY.
Mr. HAMILTON.
Mr. DEUTSCH.
Mr. REED.
Mr. STUDDS.
Mr. RANGEL.
Mr. LANTOS.
Mr. RAHALL.
Ms. HARMAN.
Mr. MASCARA.
Mr. KLECZKA.

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

Mr. ROTH.
Mr. HALL of Texas.
Mr. PETERSON of Florida.
Mr. BARCIA.
Mr. KLINK.

ENROLLED BILL SIGNED

Mr. THOMAS, from the Committee on House Oversight, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 3121. An act to amend the Foreign Assistance Act of 1961 and the Arms Export Control Act to make improvements to certain defense and security assistance provisions under those acts, to authorize the transfer of naval vessels to certain foreign countries, and for other purposes.

BILL PRESENTED TO THE PRESIDENT

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

H.R. 3121. An act to amend the Foreign Assistance Act of 1961 and the Arms Export Control Act to make improvements to certain defense and security assistance provisions under those acts, to authorize the transfer of naval vessels to certain foreign countries, and for other purposes.

ADJOURNMENT

Mr. ROHRABACHER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 51 minutes p.m.), the House adjourned until tomorrow, Thursday, July 11, 1996, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

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

4034. A letter from the Administrator, Grain Inspection, Packers and Stockyards Administration, transmitting the Administration's final rule—Regulations and Policy Statements issued under the Packers and Stockyards Act (Group III) (RIN: 0580–AA45) received July 8, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4035. A letter from the Administrator, Grain Inspection, Packers and Stockyards Administration, transmitting the Administration's final rule—Regulations and Policy Statements issued under the Packers and Stockyards Act (Group III) (RIN: 0580–AA44) received July 8, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4036. A letter from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule—Agricultural Loan Loss Amortization (12 CFR 324) received July 8, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

4037. A letter from the Assistant to the Board, Federal Reserve System, transmitting the Board's final rule—Joint Agency Policy Statement; Interest Rate Risk [Docket No. R–0802] received July 9, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

4038. A letter from the Assistant Secretary of Education, transmitting final priority—Rehabilitation Research and Training Center, pursuant to 20 U.S.C. 1232(f); to the Committee on Economic and Educational Opportunities.

4039. A letter from the Assistant General Counsel for Regulations, Department of Education, transmitting the Department's report on the notice of final funding priorities for fiscal years 1996–97 for a Rehabilitation Research and Training Center, pursuant to 5 U.S.C. 801(a)(1)(B); to the Committee on Economic and Educational Opportunities.

4040. A letter from the Assistant Secretary for Pension and Welfare Benefits, Department of Labor, transmitting the Department's final rule—Removal of Interpretive Bulletins and Regulations Relating to ERISA (RIN: 1210–AA51) received July 10, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Economic and Educational Opportunities.

4041. A letter from the Director, Office of Civilian Radioactive Waste Management, transmitting the 12th annual report to Congress on the activities and expenditures of the Office of Civilian Radioactive Waste Management, pursuant to 42 U.S.C. 10224(c); to the Committee on Commerce.

4042. A letter from the General Counsel, Department of Energy, transmitting the Department's final rule—State Energy Program [Docket No. EE–RM–96–402] (RIN: 1904–AA81) received July 9, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4043. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Technical Amendments to Test Rules and Enforceable Testing Consent Agreements/Orders (FRL–5378–3) received July 9, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4044. A letter from the Managing Director, Federal Communications Commission, transmitting the Commission's final rule—Assessment and Collection of Regulatory Fees for Fiscal Year 1996 [MD Docket No. 96–84] received July 10, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4045. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance [LOA] to Germany for defense articles and services (Transmittal No. 96–53), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

4046. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance [LOA] to Morocco for defense articles and services (Transmittal No. 96–54), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

4047. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance [LOA] to Greece for defense articles and services (Transmittal No. 96–52), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

4048. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed issuance of export license agreement for the temporary export of defense articles or defense services sold commercially to Russia/Kazakstan (Transmittal No. DTC–28–96), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

4049. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting a report required by section 502 of the Freedom Support Act, pursuant to 22 U.S.C. 5852; to the Committee on International Relations.

4050. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule—Amendment to the International Traffic in Arms Regulations (Public Notice 2410) received July 8, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

4051. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11–284, ''Excepted Service Positions Designation Temporary Amendment Act of 1996'' (received July 10, 1996), pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

4052. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11–286, ''Interference with Medical Facilities and Health Professionals Amendment Act of 1996'' (received July 10, 1996), pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

4053. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11–287, ''Department of Corrections Employee Mandatory Drug and Alcohol Testing Act of 1996'' (received July 10, 1996), pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

4054. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11–290, ''Mutual Holding Company Act of 1996'' (received July 10, 1996), pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

4055. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11–295, ''Sport Commission Conflict of Interest Amendment Act of 1996'' (received July 10, 1996), pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

4056. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11–296, ''Automobile Insurance Amendment Act of 1996'' (received July 10, 1996), pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

4057. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11–297, ''Noise Control Amendment Act of 1996'' (received July 10, 1996), pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

4058. A letter from the Executive Director, Committee for Purchase From People Who Are Blind or Severely Disabled, transmitting the Committee's final rule—Additions to and Deletions from the Procurement List—received July 8, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

4059. A letter from the Acting Director, Office of Management and Budget, transmitting an accounting statement covering Federal stewardship property, investments, and responsibilities that was recently recommended by the Federal Accounting Standards Advisory Board [FASAB] and approved in its entirety by the Secretary of the Treasury, the Director of the Office of Management and Budget [OMB], and the Comptroller General, pursuant to Public Law 101–576, section 307 (104 Stat. 2855); to the Committee on Government Reform and Oversight.

4060. A letter from the Inspector General, Railroad Retirement Board, transmitting the semiannual report on activities of the inspector general for the period October 1, 1995, through March 31, 1996, pursuant to 5 U.S.C. app. (Insp. Gen. Act) 5(b); to the Committee on Government Reform and Oversight.

4061. A letter from the Secretary of Housing and Urban Development, transmitting the Government National Mortgage Association [Ginnie Mae] management report for the fiscal year ended September 30, 1995, pursuant to 31 U.S.C. 9106; to the Committee on Government Reform and Oversight.

4062. A letter from the Administrator, Small Business Administration, transmitting the semiannual report on activities of the inspector general for the period October 1, 1995, through March 31, 1996, and the semiannual report of management on final actions, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

4063. A letter from the Deputy Associate Director for Compliance, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Resources.

4064. A letter from the Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service, transmitting the Service's final rule—Fisheries of the Exclusive Economic Zone off Alaska; Atka Mackerel in the Eastern Aleutian District and Bering Sea Subarea [Docket No. 960129019–6019–01; I.D. 070596A] received July 9, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4065. A letter from the Chief Justice, Supreme Court of the United States, transmitting a copy of the report of the proceedings of the Judicial Conference of the United States, held in Washington DC., on March 12, 1996, pursuant to 28 U.S.C. 331; to the Committee on the Judiciary.

4066. A letter from the Chairman, Surface Transportation Board, transmitting the Board's final rule—Disclosure, Publication and Notice of Change of rates and Other Service Terms for Rail Common Carriage (STB Ex Parte No. 528) received July 8, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4067. A letter from the Chairman, Surface Transportation Board, transmitting the Board's final rule—Disclosure and Notice of Change of Rates and Other Service Terms for Pipeline Common Carriage (STB Ex Parte No. 538) received July 8, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4068. A communication from the President of the United States, transmitting an updated report concerning the emigration laws and policies of the Russian Federation—Received in the United States House of Representatives June 28, 1996, pursuant to 19 U.S.C. 2432(b) (H. Doc. No. 104–240); to the Committee on Ways and Means and ordered to be printed.

4069. A communication from the President of the United States, transmitting an updated report concerning the emigration laws and policies of Romania—Received in the United States House of Representatives July 8, 1996, pursuant to 19 U.S.C. 2432(b) (H. Doc. No. 104–241); to the Committee on Ways and Means and ordered to be printed.

4070. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Last-in, First-out Inventories (Revenue Ruling 96–36) received July 9, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

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

Mr. MCINNIS: Committee on Rules. House Resolution 474. Resolution providing for consideration of the bill (H.R. 3396) to define and protect the institution of marriage (Rept. 104–666). Referred to the House Calendar.

DISCHARGE OF COMMITTEE

Pursuant to clause 5 of rule X the Committee on Science discharged from further consideration. H.R. 1514 referred to the Committee of the Whole House on the State of the Union.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. YOUNG of Alaska: Committee on Resources. H.R. 2823. A bill to amend the Marine Mammal Protection Act of 1972 to support the International Dolphin Conservation Program in the eastern tropical Pacific Ocean, and for other purposes: with an amendment; referred to the Committee on Ways and Means for a period ending not later than July 23, 1996, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(s), rule X. (Rept. 104–665, Pt. 1). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

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

By Mr. BAESLER:

H.R. 3767. A bill to require the Secretary of Defense to carry out a pilot program to identify and demonstrate feasible alternatives to demilitarization of assembled chemical munitions under the baseline incinerator program; to the Committee on National Security.

By Mr. BLUTE:

H.R. 3768. A bill to designate a United States Post Office to be located in Groton, MA, as the ''Augusta 'Gusty' Hornblower United States Post Office''; to the Committee on Government Reform and Oversight.

By Mr. BUNN of Oregon:

H.R. 3769. A bill to provide for the conditional transfer of the Oregon and California Railroad Grant Lands, the Coos Bay Military Wagon Road Grant Lands, and related public domain lands to the State of Oregon; to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CAMPBELL:

H.R. 3770. A bill to make the antitrust laws inapplicable to the negotiations between a coalition of health-care professionals and a health-care service plan regarding the wages, rates of pay, hours of work, and other terms and conditions of a contract between a member of such health-care professionals coalition and a health-care service plan, and to their carrying out such terms and conditions; to the Committee on the Judiciary.

By Mr. CASTLE (for himself, Mr. BACHUS, Mr. BLUTE, Mr. FRANK of Massachusetts, Mr. GOSS, Ms. GREENE of Utah, Mr. JACOBS, Mr. LOBIONDO, Mr. MCHALE, Mr. PARKER, Mr. POSHARD, and Mr. SHAYS):

H.R. 3771. A bill to amend the formula for determining the official mail allowance for Members of the House of Representatives; to the Committee on House Oversight.

H.R. 3772. A bill to establish certain disclosure requirements relating to franked mail sent by Members of the House of Representatives; to the Committee on House Oversight.

H.R. 3773. A bill to prevent Members of the House of Representatives from making mass mailings during an election year, and for other purposes; to the Committee on House Oversight, and in addition to the Committee on Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

H.R. 3774. A bill to change from 500 to 250 the number of pieces of mail constituting a mass mailing in the case of a Member of the House of Representatives; to the Committee on House Oversight, and in addition to the Committee on Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DELAY (for himself, Mr. CONDIT, Mr. HOSTETTLER, Mr. MICA, Mr. MYERS of Indiana, Mr. MCINTOSH, Mr. STOCKMAN, Mr. BUYER, Mr. BURTON of Indiana, Mr. CHAPMAN, Mr. MCCOLLUM, Mr. JOHNSTON of Florida, Mr. SMITH of Texas, Mr. LEWIS of Kentucky, Mr. BEREUTER, Mr. WARD, Mr. HAMILTON, Mr. LAUGHLIN, Mr. TAYLOR of North Carolina, Mr. STENHOLM, Mr. ROEMER, Mr. JACOBS, Ms. BROWN of Florida, Mrs. FOWLER, Mr. GOODLATTE, Mr. BONILLA, Mr. PETE GEREN of Texas, Mr. THORNBERRY, Mrs. LINCOLN, Mr. FROST, Mr. BATEMAN, Mr. SISISKY, Mr. PICKETT, Mr. BALLENGER, Mr. PAYNE of Virginia, Mr. MORAN, Mr. BARTON of Texas, Mr. BENTSEN, and Mr. STUMP):

H.R. 3775. A bill to authorize funds for construction of highways, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. ENSIGN (for himself, Mr. ENGLISH of Pennsylvania, Mr. PETE GEREN of Texas, Mr. RAMSTAD, Mr. ZIMMER, Mr. JACOBS, Mr. CHRISTENSEN, Mr. LAUGHLIN, Mr. HAYES, Mr. STEARNS, Mr. WICKER, Mr. LIPINSKI, Mr. BARTON of Texas, Mr. BAKER of Louisiana, Mr. BRYANT of Tennessee, and Mr. LARGENT):

H.R. 3776. A bill to amend the Crime Control Act of 1990 with respect to the work requirement for Federal prisoners and to amend title 18, United States Code, with respect to the use of Federal prison labor by nonprofit entities, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Economic and Educational Opportunities, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HASTINGS of Washington:

H.R. 3777. A bill to approve a settlement agreement between the Bureau of Reclamation and the Oroville-Tonasket Irrigation District; to the Committee on Resources.

By Mr. KENNEDY of Massachusetts (for himself, Mr. FROST, Ms. LOFGREN, Ms. NORTON, Mr. UNDERWOOD, and Mr. FRAZER):

H.R. 3778. A bill to provide grants to the States for drug testing projects when individuals are arrested and during the pretrial period; to the Committee on the Judiciary.

By Mr. OBERSTAR (for himself, Mr. DURBIN, Mr. FRAZER, Mr. MEEHAN, Mr. MINGE, Mr. HANSEN, Mrs. MORELLA, Mr. REED, Mr. SERRANO, Mr. DELLUMS, and Ms. EDDIE BERNICE JOHNSON of Texas):

H.R. 3779. A bill to amend title XIX of the Social Security Act to reward States for collecting Medicaid funds expended on tobacco-related illnesses, and for other purposes; to the Committee on Commerce, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SOUDER:

H.R. 3780. A bill to protect residents and localities from irresponsibly sited hazardous waste facilities; to the Committee on Commerce.

By Mr. ZIMMER:

H.R. 3781. A bill to require the National Telecommunications and Information Administration to update its report on hate speech, especially as it relates to hate speech on the Internet, and for other purposes; to the Committee on Commerce.

By Mr. GUTKNECHT (for himself, Mr. ZIMMER, Mr. FAZIO of California, Mrs. MYRICK, Mr. FROST, Mr. HORN, Mr. DEUTSCH, Mr. WALSH, and Mr. WELLER):

H. Con. Res. 196. Concurrent resolution expressing the sense of the Congress that each State should enact legislation regarding notification procedures necessary to the Committee on the Judiciary.

By Mr. MARKEY (for himself and Mr. SHAYS):

H. Con. Res. 197. Concurrent resolution expressing the sense of the Congress that the Department of Energy should suspend spent nuclear fuel and radio active target material reprocessing activities; to the Committee on Commerce, and in addition to the Committee on National Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

MEMORIALS

Under clause 4 of rule XXII.

236. The SPEAKER presented a memorial of the General Assembly of the State of Rhode Island, relative to Senate Joint Resolution 96–2452 memorializing the President and the Congress of the United States to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to facilitate the development and approval of new drugs and biologics; to the Committee on Commerce.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 65: Ms. DELAURO.
H.R. 103: Mr. LONGLEY and Mr. SANDERS.
H.R. 104: Mr. WALSH.
H.R. 303: Ms. DELAURO.
H.R. 382: Mr. YATES.
H.R. 797: Mr. BROWN of California, Mr. FLAKE, Mr. WAXMAN, and Mr. ACKERMAN.
H.R. 878: Mr. KLUG.
H.R. 1281: Mr. TORRICELLI and Mr. FILNER.
H.R. 1386: Mr. KIM.
H.R. 1462: Mr. MCNULTY, Mr. ORTON, Mr. KENNEDY of Rhode Island, Mr. HUTCHINSON, Mr. TORKILDSEN, Mr. BAESLER, Mr. BLUTE, Mr. KINGSTON, Mr. BROWN of California, Mr. PETE GEREN of Texas, Mr. NEAL of Massachusetts, Mr. BUNNING of Kentucky, Mr. HORN, and Mr. WHITFIELD.
H.R. 1484: Mr. JOHNSON of South Dakota.
H.R. 1513: Mr. WATTS of Oklahoma.
H.R. 1797: Mr. DELLUMS.
H.R. 2026: Mr. ENSIGN and Mr. PARKER.
H.R. 2092: Mr. FRANK of Massachusetts and Mr. SENSENBRENNER.
H.R. 2138: Mr. JACOBS.
H.R. 2143: Ms. WOOLSEY.
H.R. 2244: Mr. LINDER and Mr. DEAL of Georgia.
H.R. 2320: Ms. MOLINARI.
H.R. 2407: Ms. RIVERS.
H.R. 2416: Mr. SHAYS.
H.R. 2422: Mr. PALLONE.
H.R. 2480: Mr. KLUG.
H.R. 2508: Mr. BUNNING of Kentucky, Mr. CUNNINGHAM, and Mr. BALLENGER.
H.R. 2579: Mr. MCINNIS, Mr. GUTKNECHT, Mr. NEAL of Massachusetts, Mrs. SCHROEDER, Mr. SKEEN, and Mr. NADLER.
H.R. 2727: Mr. SHADEGG, Mr. COLLINS of Georgia, Mr. COBLE, Mr. ENGLISH of Pennsylvania, and Mrs. CUBIN.
H.R. 2822: Mr. SCARBOROUGH.
H.R. 2834: Mr. STUPAK and Mr. ACKERMAN.
H.R. 2892: Mr. PALLONE.
H.R. 2900: Mr. LIGHTFOOT, Mr. SHADEGG, Mr. MINGE, Mr. NEY, Mr. FORD, Ms. ESHOO, Mr. BASS, and Mr. PETE GEREN of Texas.
H.R. 3037: Mr. STENHOLM, Mr. ACKERMAN, and Mr. STUPAK.
H.R. 3100: Mr. BAKER of Louisiana.
H.R. 3195: Mr. MONTGOMERY.
H.R. 3213: Mrs. KELLY, Mr. WILSON, and Mr. EVANS.
H.R. 3274: Mr. LAFALCE and Mr. ACKERMAN.
H.R. 3385: Mr. BURTON of Indiana and Mr. CUNNINGHAM.
H.R. 3393: Mr. TORRICELLI and Ms. FURSE.
H.R. 3418: Mr. WATTS of Oklahoma.
H.R. 3423: Mr. HANCOCK and Mr. LIVINGSTON.
H.R. 3424: Mr. MCINNIS.
H.R. 3433: Ms. KAPTUR.
H.R. 3447: Mr. HERGER.
H.R. 3460: Mr. MCHALE.
H.R. 3496: Mr. CUMMINGS.
H.R. 3505: Mr. PASTOR and Mr. FORD.
H.R. 3514: Mr. HOLDEN, Mr. POSHARD, and Mr. CUNNINGHAM.
H.R. 3565: Mr. BARR.
H.R. 3573: Mr. LOBIONDO.
H.R. 3586: Mr. WATTS of Oklahoma.
H.R. 3629: Mr. MARTINI and Mr. EVANS.
H.R. 3631: Mr. ACKERMAN, Mr. BILBRAY, Mr. DIAZ-BALART, Ms. NORTON, and Mrs. VUCANOVICH.
H.R. 3636: Mr. ALLARD and Mr. FLANAGAN.
H.R. 3645: Mr. EVANS, Mrs. MORELLA, Mr. STUPAK, Mr. ACKERMAN, and Mr. OXLEY.
H.R. 3648: Mr. THOMPSON.
H.R. 3677: Mr. STARK and Mr. ENSIGN.
H.R. 3687: Mr. SHADEGG, Mr. WATTS of Oklahoma, Mr. EWING, and Mr. COOLEY.
H.R. 3710: Mr. TRAFICANT, Mr. CLYBURN, Mr. ACKERMAN, Mr. NEAL of Massachusetts, Mrs. MEEK of Florida, Mrs. KENNELLY, Mr. HASTINGS of Florida, Mrs. THURMAN, Mr. MOAKLEY, Mr. FORD, Mr. FATTAH, Mr. WILSON, Mr. FROST, Ms. DELAURO, Mr. YATES, Mr. SISISKY, Mrs. JOHNSON of Connecticut, Mr. FRAZER, Mr. LAFALCE, Mr. RAHALL, Mr. MATSUI, and Ms. VELAZQUEZ.
H.R. 3715: Mr. CALVERT, Mr. HOKE, Mr. ABERCROMBIE, and Mr. BROWN of Ohio.
H.R. 3735: Mr. GILMAN.
H.R. 3749: Mr. HOUGHTON.
H. Con. Res. 135: Mr. NADLER, Mr. ABERCROMBIE, and Mr. SANDERS.
H. Con. Res. 173: Mr. NEY and Mr. GOODLATTE.
H. Res. 286: Mr. MCHALE.
H. Res. 452: Mr. HEFLEY, Mr. THOMAS, and Mr. MARTINEZ.

AMENDMENTS

Under clause 6 of the rule XXIII, proposed amendments were submitted as follows:

H.R. 3755

OFFERED BY: MR. CHRYSLER

AMENDMENT NO. 19: Page 6, line 5, after the first dollar amount, insert ''(decreased by $2,399,000)''.

Page 38, line 8, after the dollar amount, insert ''(increased by $2,399,000)''.

H.R. 3755

OFFERED BY: MR. CONDIT

AMENDMENT NO. 20: Page 87, after line 14, insert the following new section:

SEC. 515. The amount provided in this Act for ''DEPARTMENT OF HEALTH AND HUMAN SERVICES—Administration for Children and Families—Refugee and entrant assistance'' is increased, and each other amount provided in this Act that is not required to be provided by a provision of law is reduced, by $487,000,000 and 0.9 percent, respectively.

H.R. 3755

OFFERED BY: MR. FOX OF PENNSYLVANIA

AMENDMENT NO. 21: Page 70, line 24, after the dollar amount, insert the following: ''(increased by $1,923,000)''.

Page 73, line 17, after the dollar amount, insert the following: ''(reduced by $1,923,000)''.

H.R. 3755

OFFERED BY: MR. GOODLING

AMENDMENT NO. 22:

Under the heading ''DEPARTMENT OF HEALTH AND HUMAN SERVICES—NATIONAL INSTITUTES OF HEALTH''—

(1) in the item relating to ''NATIONAL CANCER INSTITUTE'', after the dollar amount, insert the following: ''(reduced by $48,902,000)'';

(2) in the item relating to ''NATIONAL HEART, LUNG, AND BLOOD INSTITUTE'', after the dollar amount, insert the following: ''(reduced by $29,581,000)'';

(3) in the item relating to ''NATIONAL INSTITUTE OF DENTAL RESEARCH'', after the dollar amount, insert the following: ''(reduced by $4,499,000)'';

(4) in the item relating to ''NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND KIDNEY DISEASES'', after the dollar amount, insert the following: ''(reduced by $17,270,000)'';

(5) in the item relating to ''NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS AND STROKE'', after the dollar amount, insert the following: ''(reduced by $15,826,000)'';

(6) in the item relating to ''NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES'', after the dollar amount, insert the following: ''(reduced by $31,124,000)'';

(7) in the item relating to ''NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES'', after the dollar amount, insert the following: ''(reduced by $20,175,000)'';

(8) in the item relating to ''NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT'', after the dollar amount, insert the following: ''(reduced by $13,293,000)'';

(9) in the item relating to ''NATIONAL EYE INSTITUTE'', after the dollar amount, insert the following: ''(reduced by $6,816,000)'';

(10) in the item relating to ''NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES'', after the dollar amount, insert the following: ''(reduced by $7,058,000)'';

(11) in the item relating to ''NATIONAL INSTITUTE ON AGING'', after the dollar amount, insert the following: ''(reduced by $10,947,000)'';

(12) in the item relating to ''NATIONAL INSTITUTE OF ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES'', after the dollar amount, insert the following: ''(reduced by $5,319,000)'';

(13) in the item relating to ''NATIONAL INSTITUTE ON DEAFNESS AND OTHER COMMUNICATION DISORDERS'', after the dollar amount, insert the following: ''(reduced by $4,566,000)'';

(14) in the item relating to ''NATIONAL INSTITUTE OF NURSING RESEARCH'', after the dollar amount, insert the following: ''(reduced by $1,385,000)'';

(15) in the item relating to ''NATIONAL INSTITUTE ON ALCOHOL ABUSE AND ALCOHOLISM'', after the dollar amount, insert the following: ''(reduced by $4,857,000)'';

(16) in the item relating to ''NATIONAL INSTITUTE ON DRUG ABUSE'', after the dollar amount, insert the following: ''(reduced by $10,377,000)'';

(17) in the item relating to ''NATIONAL INSTITUTE OF MENTAL HEALTH'', after the dollar amount, insert the following: ''(reduced by $14,462,000)'';

(18) in the item relating to ''NATIONAL CENTER FOR RESEARCH RESOURCES'', after the first dollar amount, insert the following: ''(reduced by $9,311,000)'';

(19) in the item relating to ''NATIONAL CENTER FOR HUMAN GENOME RESEARCH'', after the dollar amount, insert the following: ''(reduced by $6,923,000)'';

(20) in the item relating to ''JOHN E. FOGARTY INTERNATIONAL CENTER'', after the dollar amount, insert the following: ''(reduced by $490,000)'';

(21) in the item relating to ''NATIONAL LIBRARY OF MEDICINE'', after the first dollar amount, insert the following: ''(reduced by $3,251,000)'';

(22) in the item relating to ''OFFICE OF THE DIRECTOR'', after the dollar amount, insert the following: ''(reduced by $5,450,000)''; and

(23) in the item relating to ''BUILDINGS AND FACILITIES'', after the first dollar amount, insert the following: ''(reduced by $19,118,000)''.

In the item relating to ''DEPARTMENT OF EDUCATION—SPECIAL EDUCATION'', after each of the two dollar amounts, insert the following: ''(increased by $291,000,000)''.

H.R. 3755

OFFERED BY: MR. GUTKNECHT

AMENDMENT NO. 23. Page 87, after line 14, insert the following new section:

SEC. 515. Each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by 1.9 percent.

H.R. 3755

OFFERED BY: MR. KENNEDY OF MASSACHUSETTS

AMENDMENT NO. 24. Beginning on page 43, strike line 23 and all that follows through page 44, line 7.

H.R. 3755

OFFERED BY: MRS. LOWEY

AMENDMENT NO. 25. Page 22, line 22, after the dollar amount, insert the following: ''(reduced by $2,400,000)''.

Page 26, line 1, after the first dollar amount, insert the following: ''(increased by $2,400,000)''.

H.R. 3755

OFFERED BY: MRS. LOWEY

AMENDMENT NO. 26. On page 59, line 3, after ''V–A,'' insert ''V–B,''

On page 59, line 6, after the dollar amount, insert ''(increased by $2,000,000)''.

On page 65, line 16, after the first dollar amount, insert ''(reduced by $2,000,000)''.

H.R. 3755

OFFERED BY: MRS. LOWEY

AMENDMENT NO. 27. At the end of title III of the bill, insert the following new section:

SEC. 307. The amount provided in title III for ''School Improvement Programs'' (including for activities authorized by title V–B of the Elementary and Secondary Education Act of 1965) is increased, and the amount provided in title III for ''Education Research, Statistics, and Improvement'' is reduced; by $2,000,000, and $2,000,000, respectively.''

H.R. 3755

OFFERED BY: MR. MCINTOSH

AMENDMENT NO. 28: Page 87, after line 14, insert the following new section:

SEC. 515. None of the funds made available in this Act to the Department of Labor may be used to enforce section 1926.28(a) of title 29, Code of Federal Regulations, with respect to any operation, when it is made known to the Federal official having authority to obligate or expend such funds that such enforcement pertains to a requirement that workers wear long pants and such requirement would cause the workers to experience extreme discomfort due to excessively high air temperatures.

H.R. 3755

OFFERED BY: MR. MICA

AMENDMENT NO. 29: Page 87, after line 15, insert the following:

TITLE VI—HEAD START CHOICE DEMONSTRATION PROGRAM

SEC. 601. SHORT TITLE.

This title may be cited as the ''Head Start Choice Demonstration Act of 1996''.

SEC. 602. PURPOSE.

The purpose of this title is to determine the effects on children of providing financial assistance to low-income parents to enable such parents to select the preschool program their children will attend.

SEC. 603. PROGRAM AUTHORIZED.

(a) RESERVATION.—The Secretary shall reserve, and make available to the Comptroller General of the United States, 5 percent of the amount appropriated for each fiscal year to carry out this title, for evaluation in accordance with section 608 of Head Start demonstration projects assisted under this title.

(b) GRANTS.—

(1) IN GENERAL.—The amount remaining after compliance with subsection (a) shall be used by the Secretary to make grants to eligible entities to enable such entities to carry out at least 10, but not more than 20, Head Start demonstration projects under which low-income parents receive preschool certificates for the costs of enrolling their eligible children in a Head Start demonstration project.

(2) CONTINUING ELIGIBILITY.—The Secretary shall continue a Head Start demonstration project under this title by awarding a grant under paragraph (1) to an eligible entity that received such a grant for a fiscal year preceding the fiscal year for which the determination is made, if the Secretary determines that such eligible entity was in compliance with this title for such preceding fiscal year.

(c) USE OF GRANTS.—Grants awarded under subsection (b) shall be used to pay the costs of—

(1) providing preschool certificates to low-income parents to enable such parents to pay the tuition, the fees, and the allowable costs of transportation (if any) for their eligible children to attend a Head Start Choice Preschool as a participant in a Head Start demonstration project; and

(2) administration of the demonstration project, which shall not exceed 15 percent of the amount received in the first fiscal year for which the eligible entity provides preschool certificates under this title or 10 percent in any subsequent fiscal year, including—

(A) seeking the involvement of preschools in the demonstration project;

(B) providing information about the demonstration project and Head Start Choice Preschools to parents of eligible children;

(C) making determinations of eligibility for participation in the demonstration project for eligible children;

(D) selecting students to participate in the demonstration project;

(E) determining the cash value of, and issuing, preschool certificates;

(F) compiling and maintaining such financial and programmatic records as the Secretary may prescribe; and

(G) collecting such information about the effects of the demonstration project as the evaluating agency may need to conduct the evaluation described in section 608.

SEC. 604. PRIORITY.

In awarding grants under this title, the Secretary shall give priority to eligible entities that propose to carry out Head Start demonstration projects—

(1) in which Head Start Choice Preschools offer an enrollment opportunity to the broadest range of low-income children;

(2) that involve diverse types of Head Start Choice Preschools; and

(3) that will contribute to the geographic diversity of Head Start demonstration projects assisted under this title, including awarding grants for Head Start demonstration projects in States that are primarily rural and awarding grants for Head Start demonstration projects in States that are primarily urban.

SEC. 605. APPLICATIONS.

(a) IN GENERAL.—Any eligible entity that wishes to receive a grant under section 603 shall submit an application to the Secretary at such time and in such manner as the Secretary may prescribe.

(b) CONTENTS.—Each application described in subsection (a) shall contain—

(1) information demonstrating eligibility of the eligible entity to carry out a Head Start demonstration project;

(2) with respect to Head Start Choice Preschools—

(A) a description of the types of potential Head Start Choice Preschools that will be involved in the demonstration project;

(B)(i) a description of the procedures used to encourage Head Start Choice Preschools to be involved in the demonstration project; and

(ii) a description of how the eligible entity will annually determine the number of spaces available for eligible children in each Head Start demonstration project;

(C) an assurance that each Head Start Choice Preschools operated, for at least 1 year prior to accepting preschool certificates under this title, an educational program similar to the Head Start project for which such preschool will accept such certificates;

(D) an assurance that the eligible entity will terminate the involvement of any Head Start Choice Preschool that fails to comply with the conditions of its involvement in the demonstration project; and

(E) a description of the extent to which each Head Start Choice Preschool will accept preschool certificates issued under this title by eligible entities as full or partial payment for tuitionand fees;

(3) with respect to the operation of the demonstration project—

(A) a description of the geographical area to be served;

(B) a timetable for carrying out the demonstration project;

(C) a description of the procedures to be used for the issuance and redemption of preschool certificats issued under this title by eligible entities;

(D) a description of the procedures by which a head Start Choice Preschool will make a pro rata refund to an eligibility entity, of the cash value of preschool certificate issued under this title by such entity for any participating child who withdraws from the demonstration project for any reasons, before completing 75 percent of the preschool attendance period for which the preschool certificate was issued;

(E) a description of the procedure to be used to provide the parental notification described in seciton 607;

(F) an assurance that the eligible entity will place all funds received under this title into a separate account, and that no other funds will be placed in such account;

(G) an assurance that the eligible entity will provide the Secretary periodic reports on the status of such funds;

(H) an assurance that the eligible entity will cooperate with the Comptroller General of the United States and the evaluating agency in carrying out the evaluations described in section 608; and

(I) an assurance that the eligible entity will—

(i) maintain such records as the Secretary may require; and

(ii) comply with reasonable requests from the Secretary for information; and

(4) such other assurances and information as the Secretary may require.

SEC. 606. PRESCHOOL CERTIFICATES.

(a) PRESCHOOL CERTIFICATES.—

(1) CASH VALUE.—Except as provided in subsection (c), the cash value of a child's preschool certificate received under this title shall be determined by the eligible entity, but shall be a cash value that provides to the recipient of the preschool certificate the maximum degree of choice in selecting the Head Start Choice Preschool the child will attend.

(2) CONSIDERATIONS.—

(A) IN GENERAL.—Subject to such rules as the Secretary may issue, in determining the cash value of a preschool certificate under this title an eligible entity shall consider the additional reasonable costs of transportation directly attributable to the child's participation in the demonstration project.

(B) PRESCHOOLS CHARGING TUITION.—If a child participating in a demonstration project under this title was attending a public or private preschool that charged tuition for the year preceding the first year of such participation, then in determining the cash value of a preschool certificate for such child under this title the eligible entity shall consider—

(i) the tuition charged by such preschool for such child in the preceding year; and

(ii) the cash value of the preschool certificates under this title that are provided to other children.

(3) SPECIAL RULE.—An eligible entity may provide a preschool certificate under this title to the parent of a child who chooses to attend a preschool that does not charge tuition or fees, to pay the additional reasonable costs of transportation directly attributable to the child's participation in the demonstration project.

(b) ADJUSTMENT.—The cash value of the preschool certificate for a fiscal year may be adjusted in the second and third years of a child's participation in a Head Start demonstration project under this title to reflect any increase or decrease in the tuition, fees, or transportation costs directly attributable to that child's continued attendance at a Head Start Choice Preschool, but shall not be increased for this purpose by more than 10 percent of the cash value of the preschool certificate for the fiscal year preceding the fiscal year for which the determination is made.

(c) MAXIMUM CASH VALUE.—The cash value of a child's preschool certificate shall not exceed the then most recent national average per child expenditure for children participating in Head Start programs, as determined by the Secretary.

(d) INCOME.—A preschool certificate received under this title, and funds provided under such certificate, shall not be treated as income of the parents for purposes of Federal tax laws.

(e) CONSTRUCTION.—Nothing in this title shall be construed to supersede or modify any provision of a State constitution or State law that prohibits the expenditure of public funds in or by religious or other private institutions, except that no provision of a State constitution or State law shall be construed or applied to prohibit any grantee from paying the administrative costs of a program under this title or to prohibit the expenditure in or by religious or other private institutions of any Federal funds provided under this title.

SEC. 607. PARENTAL NOTIFICATION.

Each eligible entity receiving a grant under section 603 shall provide timely notice of its Head Start demonstration project to parents of children residing in the area to be served by the demonstration project. At a minimum, such notice shall—

(1) describe the demonstration project;

(2) describe the eligibility requirements for participation in the demonstration project;

(3) describe the information needed to make a determination of eligibility for participation in the demonstration project for a child;

(4) describe the selection procedures to be used if the number of children seeking to participate in the demonstration project exceeds the number that can be accommodated in the demonstration project;

(5) provide information about each Head Start Choice Preschool, including information about any admission requirements or criteria for each Head Start Choice Preschool participating in the demonstration project; and

(6) include the schedule for parents to apply for their children to participate in the demonstration project.

SEC. 608. EVALUATION.

(a) ANNUAL EVALUATION.—

(1) CONTRACT.—The Comptroller General of the United States shall enter into a contract, with an evaluating agency that has demonstrated experience in conducting evaluations, for the conduct of an ongoing rigorous evaluation of the demonstration program under this title.

(2) ANNUAL EVALUATION REQUIREMENT.—The contract described in paragraph (1) shall require the evaluating agency entering into such contract to annually evaluate each demonstration project under this title in accordance with the evaluation criteria described in subsection (b).

(3) TRANSMISSION.—The contract described in paragraph (1) shall require the evaluating agency entering into such contract to transmit to the Comptroller General of the United States—

(A) the findings of each annual evaluation under paragraph (1); and

(B) a copy of each report received pursuant to section 609(a) for the applicable year.

(b) EVALUATION CRITERIA.—The Comptroller General of the United States, in consultation with the Secretary, shall establish minimum criteria for evaluating the Head Start demonstration program under this title. Such criteria shall provide for—

(1) a description of the implementation of each demonstration project under this title and the demonstration project's effects on all participants, preschools, Head Start programs, and communities in the demonstration project area, with particular attention given to the level of parental satisfaction with the demonstration program; and

(2) a comparison of the educational achievement of all children enrolled in preschool in the demonstration project area, including a comparison of—

(A) such children receiving preschool certificates under this title; and

(B) such children not receiving preschool certificates under this title.

SEC. 609. REPORTS.

(a) REPORT BY GRANT RECIPIENT.—Each eligible entity receiving a grant under section 603 shall submit to the evaluating agency entering into the contract under section 608(a)(1) an annual report regarding the demonstration project under this title. Each such report shall be submitted at such time, in such manner, and accompanied by such information, as such evaluating agency may require.

(b) REPORTS BY COMPTROLLER GENERAL.—

(1) ANNUAL REPORTS.—The Comptroller General of the United States shall report annually to the Congress on the findings of the annual evaluation under section 608(a)(2) of each demonstration project under this title. Each such report shall contain a copy of—

(A) the annual evaluation under section 608(a)(2) of each demonstration project under this title; and

(B) each report received under subsection (a) for the applicable year.

(2) FINAL REPORT.—The Comptroller General shall submit a final report to the Congress within 9 months after the conclusion of the demonstration program under this title that summarizes the findings of the annual evaluations conducted pursuant to section 608(a)(2).

SEC. 610. NONDISCRIMINATION.

Section 654 of the Head Start Act (42 U.S.C. 9849) shall apply with respect to Head Start demonstration projects under this title in the same manner as such section applies to Head Start programs under such Act.

SEC. 611. DEFINITIONS.

As used in this title—

(1) the term ''eligible child'' means a child who is eligible under the Head Start Act to participate in a Head Start program operating in the local geographical area involved;

(2) the term ''eligible entity'' means a State, a public agency, institution, or organization (including a State or local educational agency), a consortium of public agencies, or a consortium of public and nonprofit private organizations, that demonstrates, to the satisfaction of the Secretary, its ability to—

(A) receive, disburse, and account for Federal funds; and

(B) comply with the requirements of this title;

(3) the term ''evaluating agency'' means any academic institution, consortium of professionals, or private or nonprofit organization, with demonstrated experience in conducting evaluations, that is not an agency or instrumentality of the Federal Government;

(4) the term ''Head Start Choice Preschool'' means any public or private preschool, including a private sectarian preschool, that is eligible and willing to carry out a Head Start demonstration project;

(5) the term ''Head Start demonstration project'' means a project that carries out a program of the kind described in section 638 of the Head Start Act (42 U.S.C. 9833);

(6) the term ''local educational agency'' has the same meaning given such term in section 14101 of the Elementary and Secondary Education Act of 1965;

(7) the term ''parent'' includes a legal guardian or other individual acting in loco parentis;

(8) the term ''preschool'' means an entity that carries out a program that—

(A) is designed for children who have not reached the age of compulsory school attendance; and

(B) provides comprehensive educational, nutritional, social, and other services to aid such children and their families; and

(9) the term ''Secretary'' means the Secretary of Health and Human Services.

SEC. 612. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $15,000,000 for fiscal year 1997, and such sums as may be necessary for fiscal years 1998 and 1999, to carry out this title.

SEC. 613. OFFSET.

The amounts otherwise provided in this Act for the following account is hereby reduced by the following amount:

DEPARTMENT OF HEALTH AND HUMAN SERVICES

OFFICE OF THE SECRETARY

GENERAL DEPARTMENTAL MANAGEMENT

For necessary expenses, not otherwise provided, for general departmental management, including hire of six sedans, and for carrying out titles III, XVII, and XX of the Public Health Service Act, $15,000,000.

H.R. 3755

OFFERED BY: MS. PELOSI

AMENDMENT NO. 30: Page 19, strike lines 8 through 15.

H.R. 3755

OFFERED BY: MS. PELOSI

AMENDMENT NO. 31: Page 74, beginning on line 6, strike the colon and all that follows through line 10 and insert a period.

H.R. 3755

OFFERED BY: MS. PELOSI

AMENDMENT NO. 32: Beginning on page 86, strike line 5 and all that follows through page 87, line 3.

H.R. 3755

OFFERED BY: MR. SANDERS

AMENDMENT NO. 33: Page 87, after line 14, insert the following new section:

SEC. 515. None of the funds made available in this Act may be used to make any payment to any health plan when it is made known to the Federal official having authority to obligate or expend such funds that such health plan prevents or limits a health care provider's communications with respect to a current, former, or prospective patient's physical or mental condition or treatment options (other than trade secrets or knowing misrepresentations) to such patient, or a guardian or legal representative of such patient.

H.R. 3755

OFFERED BY: MS. SLAUGHTER

AMENDMENT NO. 34: In the item relating to ''DEPARTMENT OF LABOR—PENSION AND WELFARE BENEFITS ADMINISTRATION—SALARIES AND EXPENSES'', after the dollar amount, insert the following: ''(increased by $300,000, which amount shall be for genetic nondiscrimination enforcement activities)''.

In the item relating to ''DEPARTMENT OF LABOR—BUREAU OF LABOR STATISTICS—SALARIES AND EXPENSES'', after the first dollar amount, insert the following: ''(reduced by $300,000)''.

H.R. 3755

OFFERED BY: MS. SLAUGHTER

AMENDMENT NO. 35: In the item relating to ''DEPARTMENT OF LABOR—PENSION AND WELFARE BENEFITS ADMINISTRATION—SALARIES AND EXPENSES'', after the dollar amount, insert the following: ''(increased by $300,000, which amount shall be for genetic nondiscrimination enforcement activities in accordance with the provisions of H.R. 2748 (104th Congress))''.

In the item relating to ''DEPARTMENT OF LABOR—BUREAU OF LABOR STATISTICS—SALARIES AND EXPENSES'', after the first dollar amount, insert the following: ''(reduced by $300,000)''.

H.R. 3755

OFFERED BY: MR. SOUDER

AMENDMENT NO. 36: Page 22, line 22, after the dollar amount, insert the following: ''(increased by $192,592,000)''.

Page 23, line 17, after the dollar amount, insert the following: ''(reduced by $192,592,000)''.

Page 26, line 20, after the dollar amount, insert the following: ''(increased by $192,592,000)''.

H.R. 3755

OFFERED BY: MS. VELÁZQUEZ

AMENDMENT NO. 37: Page 10, line 1, after the dollar amount, insert the following: ''(increased by $7,500,000)''.

Page 17, line 14, after the dollar amount, insert the following: ''(reduced by $11,000,000)''.

Page 17, line 25, after the dollar amount, insert the following: ''(increased by $3,500,000)''.

H.R. 3755

OFFERED BY: MS. VELÁZQUEZ

AMENDMENT NO. 38: Page 57, after line 15, insert the following new title:

TITLE II–A—ADDITIONAL FUNDING FOR CERTAIN DEPARTMENT OF LABOR PROGRAMS

ADDITIONAL FUNDING FOR CERTAIN DEPARTMENT OF LABOR PROGRAMS

The amounts otherwise provided by titles I and II are revised by increasing the amount made available for ''DEPARTMENT OF LABOR'' (consisting of an increase of $10,000,000 in the amount made available for ''Employment Standards Administration—Salaries and expenses'' and an increase of $3,500,000 in the amount made available for ''Departmental Management—Salaries and expenses''), and reducing the amount made available for ''National Institutes of Health—Buildings and facilities'' (consisting of a reduction of $13,500,000 from both the aggregate amount and from the amount specified under such heading for the clinical research center), by $13,500,000.

H.R. 3755

OFFERED BY: MS. VELÁZQUEZ

AMENDMENT NO. 39: Page 59, line 6, after the dollar amount, insert ''(decreased by $11,000,000)''.

Page 59, line 7, after the dollar amount, insert ''(decreased by $11,000,000)''.

Page 59, line 9, after the dollar amount, insert ''(decreased by $11,000,000)''.

Page 59, line 26, after the first dollar amount, insert ''(increased by $11,000,000)''.

H.R. 3755

OFFERED BY: MS. WATERS

AMENDMENT NO. 40: Page 26, line 25, insert after the dollar amount ''(increased by $24,000,000)''.

Page 31, line 22, insert after the dollar amount ''(decreased by $24,000,000)''.

H.R. 3755

OFFERED BY: MS. WATERS

AMENDMENT NO. 41: Page 26, line 25, insert after the dollar amount ''(increased by $20,000,000)''.

Page 31, line 22, insert after the dollar amount ''(decreased by $24,000,000)''.

H.R. 3755

OFFERED BY: MS. WATERS

AMENDMENT NO. 42: Page 26, line 25, insert after the dollar amount ''(increased by $3,000,000)''.

Page 31, line 22, insert after the dollar amount ''(decreased by $3,000,000)''.

H.R. 3755

OFFERED BY: MR. CAMPBELL

AMENDMENT NO. 18: At the end of the bill, after the last section (preceding the short title), insert the following new section:

SEC. . None of the funds made available in this Act may be used to order, direct, enforce, or compel any employer to pay backpay to any employee for any period when it is made known to the Federal official to whom the funds are made available that during such period the employee was not lawfully entitled to be present and employed in the United States.

H.R. 3756

OFFERED BY: MR. BROWNBACK OF KANSAS

AMENDMENT NO. 1: Page 118, after line 16, insert the following section:

SEC. 637. For purposes of section 601(a)(2) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31(2)), no adjustment under section 5303 of title 5, United States Code, shall be considered to have taken effect in fiscal year 1997 in the rates of basic pay for the statutory pay systems.

H.R. 3756

OFFERED BY: MR. GUTKNECHT

AMENDMENT NO. 2: Page 119, after line 8, insert the following new section:

SEC. 701. Each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by 1.9 percent.

H.R. 3756

OFFERED BY: MR. HEINEMAN

AMENDMENT NO. 3: At the end of title VI (relating to governmentwide general provisions), insert the following new section:

SEC. . For purposes of section 601(a)(2) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31(2)), no adjustment under section 5303 of title 5, United States Code, shall be considered to have taken effect in fiscal year 1997 in the rates of basic pay for the statutory pay systems.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 104th CONGRESS, SECOND SESSION

Vol. 142 WASHINGTON, WEDNESDAY, JULY 10, 1996 No. 101

Senate

The Senate met at 11 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:

Dear God, our Father, with whom there is no variableness or shadow of turning, more steadfast than the stars and more reliable than the rising and setting of the Sun, we thank You for Your changelessness. You are the same yesterday, today, and forever. You are our one fixed stability in the midst of changing circumstances. Your faithfulness is our peace. It is a source of comfort and courage that You know exactly what is ahead of us today. Go before us to show the way. Here are our minds, inspire them with Your wisdom; here are our wills, infuse them with the desire to follow Your guidance; here are our hearts, infill them with Your love. There is enough time today to do what You desire; so grant us freedom from tyranny of the urgent. You have been so patient with us; help us to be patient with those around us. We commit this day to You and thank You in advance for Your presence and power. In the name of our Lord. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader is recognized.

SCHEDULE

Mr. BURNS. Mr. President, today there will be a period for morning business until the hour of 11:30 a.m. Following morning business, the Senate will resume consideration of S. 1745, the Department of Defense authorization bill. At 12 noon, under the previous order, there are expected to be five rollcall votes as follows: First on the passage of the DOD authorization bill, followed by a vote on the motion to invoke cloture on the motion to proceed to S. 1788, the national right-to-work bill, followed by votes on or in relation to the Dorgan amendment, the Kassebaum amendment, and final passage of the TEAM Act.

Following those votes at noon, an additional period of morning business is anticipated and the Senate will begin consideration of the Defense appropriations bill. Therefore, rollcall votes are expected throughout the day and into the evening in an attempt to make substantial progress on the Defense appropriations bill.

MEASURE PLACED ON CALENDAR—S. 1936

Mr. BURNS. Mr. President, I understand there is a bill due for its second reading.

The PRESIDING OFFICER (Mr. INHOFE). The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1936) to amend the Nuclear Waste Policy Act of 1982.

Mr. BURNS. Mr. President, I object to further proceedings on this matter at this time.

The PRESIDING OFFICER. The bill will be placed on the calendar of general orders.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business, for not to extend beyond the hour of 11:30 a.m.

The Senator from Montana is recognized.

TRUST

Mr. BURNS. Mr. President, over the Fourth of July, I guess our break was taken a little bit differently. Due to circumstances of a personal matter in both my wife's family and my family, we did not get to spend as much time in our home State of Montana as we would have liked.

Generally, a couple rides on an airplane, but basically we drove across this Nation, across the heartland of this Nation, all the way from the Rocky Mountains back to Washington, DC.

But I flew into California. We were talking yesterday about the encryption issue, an issue that allows people to encode their messages that are sent on the information highway and that there is some reliance that those messages are only received by the folks they are intended for, and when the folks receive those messages, they have confidence that it was sent by the right person and the message has not been tinkered with before they received it.

That happens to be something in this new technology, this information age, that we will be talking a lot about. But as I sat on the airplane, I met a young couple, and I opened the newspaper to the situation with the FBI files at the White House, of which the young woman said, ''That doesn't make a lot of difference to me,'' because she was a supporter of this President and she was going to vote that way anyway. I did not argue with her. She did not know me from Adam, but I asked what she did for a living and she said she was a computer analyst.

I said, ''Well, does your company do business with the Government?''

She said, ''Yes, we do.''

I said, ''In sensitive areas like defense or security, or whatever?''

And she said, ''Well, I don't know about those things.''

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

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I said, ''Well, would it make any difference if your records were at the White House?''

All at once, it started to become a thing of conversation. I did not say anything more about it, but she and her husband talked about it for the rest of the trip.

When we talk about this issue of encryption and key escrow and those kinds of new terms that will filter into the conversations of America, we have to talk about trust. That is key—trust.

We look at the situation as it is with our young people today and we say, ''Well, maybe midnight basketball didn't work.'' We know that juvenile crime is on the upswing again. It is up 11 percent. Juvenile murders are up 8 percent. Juvenile robberies are up 16 percent. Marijuana use is up 200 percent. That tells me that our young people are in a sense of hopelessness; that we leaders have not talked enough about trust and we have not talked enough about hope and what this great country offers. We only hear that there will not be money for education. They are scared they will not be able to go to school after all the rhetoric that we hear.

We ought to be talking the other way around. It is what we talk about and how we put it. We should talk about hope and opportunity. Only this country offers all kinds of opportunities for young people in today's age. And they yearn for discipline. They want to talk about hope and what is out there, and this new world of technology offers that.

So when we think about encryption, we think about the new technologies, we hear those new words that are going into the conversations, but there is one old standard standby. It is who do we trust and how do we tell our young people today, how do we tell them that there is hope and their opportunities are greater than of any generation, because electronically they open the doors of opportunity around the world and it can be done in 5 seconds. It is trust.

We who are put in positions to represent a constituency teach our young every day. Some days we even use words. Some days we use words, and that is what I think this is about when we start talking about this issue and the issue of what goes on on the floor of the U.S. Senate.

The keyword is an old standby word called trust.

FAREWELL TO LORI STALEY

Mr. BURNS. Mr. President, I rise today to bid farewell to my legislative assistant, Lori Anne Staley. She logged over 4 years time with me and I will certainly miss her.

Lori joined my staff almost in the beginning back in 1989 as a staff assistant. She quickly learned the ropes and helped to keep my office running back in the early days when many of us were still figuring out how to get around the Capitol.

Although she is from Ohio she easily adapted to Montana and soon Montana adopted her. She has worked hard for Montana and Montanans appreciate all that she has done. Her biggest compliment is when people forget she is not a native Montanan.

Lori left my office for a couple of years and then came back, proving that you can come home again. She returned as a legislative correspondent and after 2 months took over international trade and foreign relations as a legislative assistant, continuing to add to her list of duties over the course of 3 years. Today she not only handles trade, foreign relations, and defense issues, but she is also responsible for my duties as a member of the Commerce, Science, and Transportation Committee. She has been willing and able to tackle any issue and has a broad understanding of the way Washington works.

From trains, planes, and space shuttles, to Bosnia-Herzegovina, Haiti, and B–2 bombers, to GATT and NAFTA, Canadian Durum wheat, and product liability reform—Lori knew the issues well and was always able to keep me informed and up-to-date.

She was able to juggle her multiple issues while keeping the big picture in perspective and knowing how Montana fit into it. No matter how big or small the task she had a good sense of how to get the job done right. I teased her as being hard hearted, but I knew I could always count on her for a clear assessment of any issue in a snap.

I admire her energy and devotion to her job and to Montana. We have spent many late nights together as it seems the Senate gets the most work done in the wee hours of the day. Whether preparing for committee hearings or monitoring floor debate I knew she was working overtime to keep things running smoothly.

In her 3 years as part of my legislative team her accomplishments have numbered many. She was instrumental in helping agriculture shippers during the sunsetting of the Interstate Commerce Commission. She planned a small business committee field hearing in Kalispell, MT on proposed OSHA regulations for the timber industry—two issues which didn't know anything at all about when she started. She has also promoted distance learning which was showcased in a Commerce subcommittee hearing earlier this year. Whether working with NASA or the Montana Department of Transportation her ability to work through problems and get the job done shone through every time.

We will miss more than just Lori's work around the Office. Even in stressful times she managed to keep her good humor. Everyone on staff knew they could turn to her for an amusing story, some good advice, or a helping hand. Indeed we will also miss her cheerful smile.

Lori has changed a great deal since she first arrived on Capitol Hill 7 years ago and started her first job in my office. I know that neither of us will forget this period of time and I hope that she leaves my office with a feeling of having made a difference. She has done almost every job and covered almost every issue as a part of my staff and every time she goes in with a smile and comes out on top.

Today she is moving on to start a new adventure. I'm certain that she will miss all the people she's worked with here in Washington, DC, and back home in Montana. Everything she has learned and all of her experiences will be a part of her. And in return when she moves to her new job she will leave a little part of herself with us.

In closing, I would like to bid good luck, but not good-bye, to my legislative assistant and friend, Lori Staley. I know she will go far. Lori, thanks for your good work.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator's time has expired.

Under the previous order, the Senator from New Mexico [Mr. BINGAMAN] is recognized for up to 10 minutes.

Mr. BINGAMAN. Mr. President, I thank you for the time.

TEAM ACT

Mr. BINGAMAN. Mr. President, this debate about the so-called TEAM Act has, unfortunately, produced more heat than light. I first began to focus on the issue several months ago when I visited a small high-technology firm in my State, Lasertechnics, in Albuquerque, NM. Lasertechnics is a very good employer and has on staff about 60 people.

The issues related to unions organizing are far from the minds of anyone in that firm, as far as I can tell. The company has about two dozen different teams discussing many task-oriented items. But some of those teams have the potential of running into subjects considered ''terms and conditions of employment,'' as that phrase is used in the National Labor Relations Act.

Flex time to help bolster Asia-Pacific sales is one example that stands out in my mind. If the owner of that company, Gene Borque, just decides one day to issue flex time schedules or a policy governing flex time, then clearly there is no violation of the law since there is no union in that company. If he has a team decide on a policy, and the team enters into back-and-forth discussions with him on that subject, then according to the NLRB, there probably is a violation of the law as it now stands.

This circumstance should be the focus of our discussion if we are ever able to get into a meaningful discussion about these issues in the future, because, in my view, Gene Borque, the owner of this company, should not be in danger of violating the law by operating as he does today.

The issues being debated are very real. First of all, how can we assure employers the right to organize their companies to get the best effort and

sense of ownership from their workers? And at the same time, how can we assure employees that they retain an ability to organize into unions and to bargain on terms and conditions of employment free from the threat of sham unions being established or manipulated by employers? These are both legitimate goals. Several weeks ago it was my hope and my belief that we could develop language to offer as a substitute for S. 295 that would satisfy both of these objectives.

I had hopes of offering an amendment that would substantially improve the TEAM Act so that, first, there would be no ambiguity that workplace teams and nonunion workplaces were permitted under the law, and, second, that we would specify that teams that discuss terms and conditions of employment would have to comply with certain other requirements to assure that company dominated or sham unions could not be established and that workers would have a determinative role in any discussions on those terms and conditions of employment.

Mr. President, after several weeks of trying to find this common ground to propose a substitute for the bill that we are considering, I have concluded that it is not possible at this time. The organization of employers that has been formed to support the TEAM Act has determined to resist amendments and to drive toward passage of S. 295 even though this legislation faces a sure veto by the President. The labor unions, on the other hand, have organized to oppose the TEAM Act. Relying on the President's promised veto, they have determined that the TEAM Act or any substitute for it which amends section 8(a)(2) of the NLRA should be opposed.

In my view, the concerns that the unions have about the TEAM Act that is before us are well founded. I do not want to get into a technical discussion about the legislation, but many people, including the Chairman of the NLRB, Howard Gould, as well as the Dunlop Commission and others have argued that an adjustment is needed in section 8(a)(2) of the National Labor Relations Act because of recent decisions that have blurred the definition of what are considered terms and conditions of employment.

S. 295 tries to remove the ambiguity by providing a sweeping umbrella over all workplace teams and any discussions. In my opinion, this opens the window to the possibility of company dominated or sham unions. I have long believed that we might be able to fix the language of the TEAM Act so as to maintain the flexibility that is required to fit with the highly fluid nature of a modern workplace team and still build in protections for workers' rights and interests in this process.

S. 295 needs to be fixed. We have not been able to do so. Accordingly, I will vote against the bill. I regret that the two sides on this important issue cannot be brought together on common ground. Some of the explanation is in the atmosphere of hostility that has traditionally surrounded labor-management issues in our country. In part, the result flows naturally from the very different views that the two sides have of the relationship between employees and employers. Of course, to some extent, the result is a natural consequence of the political season that we are in.

Although the script for what is to happen with this legislation this year is known to us all, I hope that in the next Congress we can have a more serious and constructive debate about this important set of issues.

In many companies throughout the country, the workplace of 1996 is not the workplace that Congress was reacting to when the Wagner Act was passed in the 1930's. For many, the term ''empowering workers'' is not just hollow rhetoric. On the other hand, all employers do not concern themselves with the rights and prerogatives of workers. The concerns that unions have raised are well rooted in our Nation's history.

At a future date I hope we can see adoption of some well-reasoned and balanced reforms to the law that clearly is not possible today. Mr. President, I yield the floor.

Mr. LIEBERMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. I thank the Chair. I thank my friend and colleague from North Carolina, Senator FAIRCLOTH, for allowing me to go forward for just a few minutes.

I want to follow, very briefly, on what the Senator from New Mexico has said and basically to say that I associate myself with his remarks, as sad as that conclusion is here.

This is a case of the TEAM Act where, it seems to me, both sides, as it were, labor and management, had some merit to their arguments. There should have been a way to put this together and bring about some change in the law that recognizes, respects, and facilitates the extraordinary changes—in some ways the revolution—that have gone on in labor-management circles in this country that the team proposals and programs are part of, and thousands of employers throughout America, and yet to have done that in a way that does not threaten the organized labor movement and does not inadvertently, one hopes, open the door to some of the practices of the past, as Senator BINGAMAN has referred to, such as sham unions or employer dominated unions.

This was a case where reasonable people should have been able to sit down and reach a reasonable conclusion that would have brought about change. I really thank the Senator from New Mexico for the leadership he showed in this in trying to make this happen. He is a consummately reasonable person and has tried to pursue in a rational way that course in this matter. I followed his actions and tried to support them, in terms of the work that he was doing as they were going along.

I regret that in the end he concluded that the amendment that he had prepared really could not be introduced because it was not going to facilitate the kind of movement that is needed here to create change. So the result, unfortunately, in this polarized environment is—polarized for exactly the reasons that the Senator from New Mexico states; one, because the debate over this bill has in some sense continued a kind of labor-management negotiation with mistrust on both sides; and, also, it is obviously an election year.

The result of all this, I presume, is that Congress will pass this bill, but the President will veto it. Then we will be at the status quo, which is not, in this case, terrible because as some I talked to in this debate have said, well, maybe a lot of businesses are running good employer-employee teams in their workplaces who are technically violating the law, but the NLRB is not taking action against them unless, in those relatively few cases, there is a complaint associated with an organization driven by a union, and then the penalty is to order them to stop doing what they are doing.

I wish we could have come to a better result. The truth is that these employer-employee teams—I have seen some of them in Connecticut. When they work well, they work very well. They not only are great for the workers; they are great for the management and great for American competitiveness and great for job creation and the sustaining of existing jobs. However, like everything else, they can be misused. They can be misused in a way that runs right into some of the original goals of section 8(a)(2) of the National Labor Relations Act. Again, there ought to have been a way we could bring this together.

I regret the Senator from New Mexico reached the conclusion he did. I regret that there will not be a proposal here on the floor that I feel I can support. I am very, very sad that we as a body and I as one Senator reach that conclusion. I can only say that I hope that all of us can come back, both sides, outside of the Chamber and all of us inside the Chamber, next year and work with the executive branch at that time to fashion a bill that will acknowledge the extraordinary steps forward in labor-management relations, and yet the continuing need to protect workers, both in their right to organize and in their right to be members of employee management associations that are not employer dominated.

I thank the Chair. Again, I thank Senator FAIRCLOTH. I yield the floor.

The PRESIDING OFFICER. Under a previous order, the Senator from North Carolina, Senator FAIRCLOTH, will be recognized.

THE NATIONAL RIGHT TO WORK ACT

Mr. FAIRCLOTH. Mr. President, Thomas Jefferson said, ''To compel a man to furnish contributions of money for the propagation of opinions in which he disbelieves is sinful and tyrannical.'' At noon today, the U.S. Senate will hold a historic vote on legislation to repeal those provisions of Federal law which require employees to pay union dues or fees as a condition of employment. This vote is long overdue for the working men and women of this country.

Since I introduced the National Right to Work Act, 22 of my Senate colleagues have joined me as cosponsors. We share the belief that compulsory unionism violates a fundamental principle of individual liberty, the very principle upon which this Nation was founded. Compulsory unionism basically says that workers cannot and should not decide for themselves what is in their best interest, that they need a union boss to decide for them. I can think of nothing more offensive to our core founding principles which we celebrated on the Fourth of July, a few days ago, than that principle that the working people of this country do not have the ability to decide for themselves.

With this bill, not a single word is added to Federal law. It simply repeals those sections of the National Labor Relations Act and the Railway Labor Act that authorizes the imposition of forced-dues contracts upon working Americans. It simply does away with the requirement that people have to belong to a union to hold a job.

I believe that every worker must have the right to join and financially support a labor union if that is what they want to do. Every worker should have that right, of his own free will and accord, but he should not be coerced to pay union dues just to keep his job. This bill simply protects that right, and no worker would ever be forced into union membership unless he wants to be.

Union membership should be a choice that an individual makes based upon merits and benefits offered by the union. If a union truly benefits its members, then they would not have to coerce them. If workers had confidence in the union leadership, if the union leadership was honest, upright, and forthright, then they would not need to coerce their members to join. A union freely held together by common interests and desires of those who voluntarily want to be members would be a better union than one in which members were forced to join. If the National Right to Work Act were passed, nothing in Federal law would stop workers from joining a union, participating in union activity, and paying union dues.

Union officials who operate their organizations in a truly representative, honest, democratic manner would find their ranks growing with volunteer members who are attracted by service, benefits, and mutual interests, not because they are forced against their will with no options to be a member of a union and pay union fees in order to hold a job. In addition, voluntary union members would be more enthusiastic about union membership simply because they had the freedom to join and were not forced into it.

When Federal laws authorizing compulsory unionism are overturned, only then will working men and women be free to exercise fully their right to work. When that time comes, they will have the freedom to choose whether they want to accept or reject union representation and union dues without facing coercion, violence, and workplace harassment by overbearing—disreputable, in many cases—union bosses.

A poll taken in 1995 indicates 8 out of 10 Americans oppose compulsory unionism—8 out of 10 Americans do not think you should be forced to belong to a union to hold a job.

At noon today, it is my sincere hope that my colleagues will join me in defending the fundamental individual liberty of the right to work, and will support this bill.

I ask unanimous consent to have printed in the RECORD immediately following my remarks an editorial which appeared in today's Wall Street Journal, setting forth clearly why this bill should pass.

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

[From the Wall Street Journal, July 10, 1996]

LABOR INDEPENDENCE

Today members of the U.S. Senate will be counted on a fundamental issue of individual freedom: the right to work without paying union dues or fees as a condition of employment. It's not likely that the effort to remove sections of the 60-year-old National Labor Relations Act that authorize forced-dues contracts will pass. However, the vote will serve as a useful political marker as to which Senators want individual workers to have a say in whether they should continue to pay the $5 billion a year in dues that private-sector unions collect.

No one argues that unions haven't done a great deal of good in representing their members and in the mutual aid programs they've set up. But that cannot justify allowing the forced collection of union dues from workers who don't want to pay them. In many unions, upward of 75% of the dues money goes for political and other activities that have nothing to do with collective bargaining rights. This year unions didn't bother to consult individual workers before they financed an unprecedented $35 million propaganda campaign against the GOP Congress. In its 1988 Beck decision, liberal Supreme Court Justice William Brennan led the Court in ruling that workers were entitled to a refund of dues money not used to represent them, but the Clinton Administration has acted as if Beck didn't exist. That makes today's vote to put Senators on record on the issue of coerced dues all the more appropriate.

Union leaders themselves were once leery of laws allowing forced membership in their organizations. Samuel Gompers, the father of American labor, warned workers that ''compulsory systems'' were ''not only impractical, but a menace to their rights, welfare and their liberty.'' Public opposition to compulsory unionism has been so great (upward of 70% in most polls) that 21 states have passed ''right-to-work'' laws that allow individuals to opt out of union membership. On the national level, however, reform has been blocked by the formidable power of the unions to raise campaign cash to defeat their opponents.

North Carolina Senator Lauch Faircloth says the time is right to test the power of union bosses with his bill to remove language from federal labor law that authorizes forced-dues contracts for workers. For the first time in a generation, Senators from right-to-work states will be required to choose between the political power of the unions and the clearly expressed views of their voters. In the past, even liberal Senators such as George McGovern felt compelled to support their states' right-to-work laws. Today, 25 Republican and 17 Democratic Senators represent states with such laws. If all of them supported Senator Faircloth, his legislation would pass easily. The fact that many will oppose it deserves to be a campaign issue in the 16 right-to-work states with Senate elections this fall.

Compulsory union dues are not merely an esoteric issue of whether employers or unions hold the upper hand in federal labor law. The issue goes to the heart of individual freedom. Thomas Jefferson once wrote that ''To compel a man to furnish contributions of money for the propagation of opinions which he disbelieves is sinful and tyrannical.'' Today we will learn how many Senators agree with Jefferson's sentiment.

Mr. HELMS. Mr. President, will the Senator yield?

Mr. FAIRCLOTH. I am delighted to yield.

Mr. HELMS. I commend the distinguished Senator from North Carolina on his excellent remarks about a very serious subject. I do not know whether this Senate is going to try to act on this bill or not, but I want him to know that I am honored to be a cosponsor of the bill.

Now, did I understand the Senator to say that four-fifths of the American people support the concept that working people should not be forced to associate with or support any organization or class of organization as a condition of getting a job or keeping the job?

Mr. FAIRCLOTH. That is exactly what the American people believe.

Mr. HELMS. Maybe one of these days Congress will pay attention to 80 percent of the people.

Mr. President, the National Right to Work Act stipulates that employers and unions may no longer force American workers to pony up union dues as a condition of keeping their jobs. It is about freedom, purely and simply. It does not discourage union membership. The National Right to Work Act merely says that unions have to garner their support the old-fashioned way—they have to earn it.

Of course, there are those who suggest that this legislation is somehow antiunion, those who parrot the apocalyptic pronouncements of the AFL–CIO that this is union-busting legislation.

Nothing could be further from the truth.

I would suggest that those union bosses opposing the National Right to

Work Act are insecure about their ability to earn the support of the workers they purport to represent.

Opponents of the National Right to Work Act may also suggest that it is fair to require employees who enjoy the so-called benefits of union membership to share in their costs. Union leaders will complain that this Congress should not change this policy.

Mr. President, union leaders, having bought the horse, are just complaining about the price of oats.

Union bosses lobbied for and jealously guard the privilege of exclusive representation. They will not give it up. And if you have any doubts about that, then the answer is not to oppose this modest effort to limit union coercion, but to repeal exiting provisions of Federal labor law providing for exclusive representation. I recall that union lobbyists say that this is a free-rider bill. The National Right to Work Act is not so much a free-rider bill as existing Federal labor law is forced-rider legislation.

Doubtless, too, we will hear complaints that there are more important issues facing Americans. There will be claims that this issue is being pursued by a narrow special interest.

My colleagues should bear in mind that polls indicate that fully 76 percent of the American people—including a clear majority of union members—support the principle of right to work. Just yesterday, the administration and various lobbying groups were telling us that an increase in the minimum wage should be passed because 70 percent of the American people support it.

My suspicion is that that they find this high level of support for right to work to be less persuasive, just as they have failed to support our efforts to pass a balanced budget amendment, notwithstanding the support of overwhelming majorities of Americans.

After all, this administration's Secretary of Labor seems more interested in advancing the agenda of organized labor, rather then the rights and interests of all American workers. This is, after all, the administration which attempted to rewrite Federal labor law for Federal contractors, to deny to Federal contractors the right permanently to replace striking employees. The courts have rightly voided this usurpation of congressional authority.

Furthermore, the Secretary of Labor said, and I quote, ''In order to maintain themselves, unions have got to have some ability to strap their members to the mast. The only way unions can exercise countervailing power is to hold their members' feet to the fire.'' Whether or not that mast is attached to a sinking ship in something that the Secretary seems not to have considered.

Make no mistake about it, Mr. President, those who oppose this bill today oppose freedom. They make clear their ratification of Secretary Reich's sentiments, that this Congress believes that union bosses know better than individuals what is in the interests of individual American workers. I would respectfully suggest that this is a concept foreign to the American way of thinking. And does anyone seriously suggest that Republican majorities were sent to both Houses of this Congress in order to perpetuate the power of union bosses to force Americans to support their narrowly radical social and political agenda?

But perhaps there is another explanation. After all, look at the most vocal of opponents to this act. Is it mere coincidence that they benefit from the forced-dues, soft-money political contributions of big labor? Is it just an accident that the bulk of union political activities and contributions benefit my friends on the other side of the aisle almost to the exclusion of contributions to the GOP? Is it surprising that an administration which promises to veto this bill, if passed, has the nearly unanimous support of the leaders of the AFL–CIO?

I urge my colleagues to support the National Right to Work Act because it is the right thing to do. It is a vote for worker freedom, a vote for responsible unions. American workers deserve the protection of a National Right to Work Act, the protection of a basic personal freedom. American working men and women deserve to be able to work and feed their families without paying tribute to anyone, much less a class of specially protected organizations.

Mr. CONRAD addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

(The remarks of Mr. CONRAD pertaining to the introduction of S. 1939 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

TRIBUTE TO JUDGE JOSEPH PHELPS

Mr. SHELBY. Mr. President, I rise today in honor of Judge Joseph Phelps who was killed tragically in a car accident on June 22, 1996. Joe retired from his Montgomery circuit judgeship in 1995, after spending 18 years on the bench. He served the State of Alabama, the Alabama judicial system, and our Nation with dignity, prudence, courage, and honor.

Joe received both a bachelor's degree and a law degree from the University of Alabama. Even as a youth, Joe showed character in all that he did providing a glimpse into the future of the wise, Christian adult, leader, and honorable jurist he would later become.

In 1990, Joe was awarded the Alabama Bar Association's Judicial Award of Merit, its highest award for outstanding and constructive service to the legal profession in Alabama.

Joe's Christian values are reflected not only in the way he lived his life, but in the many positive organizations which he led, founded, belonged, and served. He was the past president of the Montgomery County Bar Association, and has served as a member, past president, trustee, and founder. He also served diligently in the YMCA; Montgomery Lion's Club; Lion's Club International Youth Day in Court Program, which he founded; Jimmy Hitchcock Memorial Award; Fellowship of Christian Athletes; Salvation Army; Capitol City Boys Club; STEP Foundation; Blue-Gray Association; Leadership Montgomery; the Governor's Study Task Force on Drugs; Alabama Trial Lawyers' Association; Association of Trial Lawyers of America; American Judicature Society; Montgomery Magnet Grant Review Committee; and numerous other legal, civic, and Christian groups. He was an elder at Trinity Presbyterian Church, where he served on the Christian education committee, congregational involvement committee, and long-range planning committee. Joe also taught ninth grade Sunday School. In 1980, Joe was honored as YMCA Man of the Year in recognition of his service to youth in Montgomery.

Joe's list of accomplishments are reflective of the life he led, the type of friend he was, and the positive contributions he made throughout his life to his community and his fellow Alabamian. Not the least of which was his role as husband and father. My heart goes out to Joe's family.

Joe's lifelong dedication to community and country made our world a better place. His presence will be sorely missed.

1996 JULY QUARTERLY REPORTS

The mailing and filing date of the July Quarterly Report required by the Federal Election Campaign Act, as amended, is Monday, July 15, 1996. All principal campaign committees supporting Senate candidates in the 1996 races must file their reports with the Senate Office of Public Records, 232 Hart Building, Washington, DC 20510–7116. You may wish to advise your campaign committee personnel of this requirement.

The Public Records office will be open from 8 a.m. until 7 p.m. on July 15, to receive these filings. For further information, please do not hesitate to contact the Office of Public Records on (202) 224–0322.

THANKS TO DAVID O. COOKE AT THE PENTAGON FOR HIS CONTINUING SERVICE TO OUR NATION

Mr. NUNN. Mr. President, several months ago, I participated in a ceremony at the Pentagon to open an exhibit honoring the office of the Vice Chairman of the Joint Chiefs of Staff. This was a significant moment in recognizing the remarkable success of the Goldwater—Nichols legislation, which reorganized the Department of Defense. However, this moment would not have been possible without the help of the pentagon's Director of Administration and Management, David O. (Doc)

Cooke. Today, I would like to extend my personal appreciation to Doc Cooke for his help in establishing this exhibit but primarily I want to thank him for his long and continuing career in public service.

Mr. President, I ask unanimous consent that an article on Doc Cooke that was published in Government Executive be reprinted in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. NUNN. Mr. President, Doc Cooke's association with our Nation's armed services began in World War II, when he served as an officer aboard the battleship U.S.S. *Pennsylvania*. In 1947, he became a civilian employee with the Navy in Washington, DC. He completed his law degree from George Washington University in 1950 and, shortly thereafter, was recalled to active duty during the Korean war as an instructor at the School of Naval Justice. Since that time, Doc Cooke has rendered outstanding service to 14 different Secretaries of Defense. In 1958, he became a member of a task force on Department of Defense reorganization that was led by Secretary of Defense, Neil McElroy. Under Secretary of Defense Robert McNamara, he served on a briefing team that advised the Secretary on issues related to organization and management. In his dual role as the Director of Administration and Management and Director of Washington Headquarters Services, Doc Cooke has oversight responsibilities for more than 1,800 employees throughout an impressive array of offices at the Pentagon, including the Directorate for Organizational and Management Planning, Defense Privacy Office, OSD Historical Office, Quality Management Office, Directorate for Budget and Finance, Directorate for Real Estate and Facilities, Directorate for Correspondence and Directives, Directorate for Personnel and Security, Directorate for Information Operations and Reports, Directorate for Federal Voting Assistance Program, and the Office of General Counsel. The high level of energy and competence that Doc Cooke brings to his job has earned him the title of ''Mayor of the Pentagon'' from his friends and colleagues.

Doc Cooke has always recognized that people are the driving force behind any organization's successes and shortcomings. His determination to never lose sight of the human factor in dealing with organizational and administrative issues has been a key contributing factor to the success that he has enjoyed throughout his career. Doc's ability and success in communicating with others is evident not only in his profession, but also in his involvement in community service. In 1992, he helped launch a program in Washington, DC, to encourage high school students to pursue careers in public service. This led to the establishment of a Public Service Academy. The Public Service Academy works closely with Federal agencies in planning the school's curriculum, establishing internship opportunities for students, and providing counseling for both students and their families. Last year there were 28 seniors at the Academy. Of that total, 25 were accepted into college and 3 found employment. This type of success is a shining example of the integrity and compassion with which Doc Cooke approaches both his profession and his community.

Last year, Doc Cooke received the Government Executive Leadership Award from the National Capital Area Chapter of the American Society for Public Administration. This award was given in recognition of his strong leadership throughout his outstanding career in the Federal Government. Mr. President, I ask that the Senate join me in thanking Doc Cooke for his continuing service to our Nation. I hope that he will continue to serve for many years to come. We wish him, his wife, Marion, and his entire family every success for the future.

EXHIBIT 1

[From the Government Executive, September 1995]

MAYOR OF THE PENTAGON

(By A.L. Singleton)

David O. Cooke, this year's winner of Government Executive's annual award for leadership during a career in federal service, may have a tough time deciding where to display his plaque. After 37 years in Defense Department management, Cooke has a Pentagon office that is crammed full of trophies and medallions praising his dedication to public service, executive development and good government.

Awards compete for wall space with photographs of Cooke and a variety of associates from pals to presidents. There's a shot of Cooke posing with radio/television personality Willard Scott, each man covering his bald pate with a silly wig. There's a picture of Cooke with President Clinton at the White House.

But perhaps the photograph that best represents Cooke's career shows him seated and grinning broadly in front of 9 of the 14 Secretaries of Defense with whom he has worked.

Cooke is director of administration and management and director of Washington Headquarters Services for DoD. This means, among other things, he is in charge of the operation, maintenance and protection of the Pentagon Reservation, which spans 280 acres on the Virginia side of the Potomac River and includes not only the Pentagon and its power plant but also the Navy Annex and numerous other DoD buildings in the National Capital Region. He oversees some 1,800 employees, controls 20,000 parking spaces, runs a quality-management unit and directs organizational and management planning for the Department of Defense.

Cooke is often called ''the mayor of the Pentagon''—a nickname that reflects the power his office wields over day-to-day life in the Defense Department's huge headquarters operations. Beyond the mundane tasks of ensuring adequate cooling and equitable parking, Cooke's job requires a deep understanding of the theory and practice of management in one of the world's most complex enterprises. Yet most people, from the workers who clean his office all the way up to the Secretary of Defense, call him ''Doc.'' A man who doesn't take his many impressive titles too seriously, Cooke enjoys the familiarity.

FROM TEACHING TO TASK FORCES

The Doc Cooke story began 74 years ago in Buffalo, N.Y. His parents were schoolteachers and that was what he also set out to be, receiving his bachelor's and master's degrees from the State University of New York. World War II took him out of the classroom and onto the decks of a battleship, the USS *Pennsylvania*, where he served as an officer throughout the war. Afterward, he returned to Buffalo to teach high school.

Then, in 1947, three events changed his life. He entered law school, met and married fellow law student Marion McDonald and accepted an offer to become a civilian employee of the Navy in Washington, D.C. Once settled in the capital, he resumed law studies at night and received an LL.B. from The George Washington University in 1950.

When the Korean War began, Cooke was recalled to active duty, this time as an instructor at the School of Naval Justice. Thereafter followed a stint as a maritime lawyer for the Navy in New York. In 1957, he was reassigned to the Judge Advocate General's Washington staff and a year later joined a task force on DOD reorganization spearheaded by Secretary Neil McElroy. This was the start of a highly specialized career in military organization and management that would lead him to the top ranks of federal civil service. ''I never effectively got back to the Navy,'' Cooke recalls, even though he remained on active duty for nine more years.

One of Cooke's most vividly remembered assignments of those early years was to Robert McNamara's briefing team on organizational and management issues, which the new Secretary formed in 1961. McNamara intended to institute sweeping changes in Defense organization, and he wanted a small group to advise him.

Led by Solis Horowitz, a Harvard lawyer who eventually became DOD's assistant secretary for administration, the group consisted of Cooke, representing the Navy, Army officer John Cushman and Air Force officer Abbott Greenleaf. Cushman and Greenleaf ''both retired as three-star generals,'' Cooke observes, ''so two out of the three became eminently successful, and I was the guy who wasn't.''

THE COOKE SCHOOL OF MANAGEMENT

Such self-deprecating wit is classic Cooke. ''He might make fun of himself, but not someone else,'' says DOD historian Alfred Goldberg. ''He has a good sense of humor and uses it in dealing effectively with people.''

Rossyln Kleeman, a distinguished executive-in-residence at the George Washington University's School of Business and Public Management who has served alongside Cooke in several public-employee organizations, agrees. ''I've listened to a lot of Doc's speeches,'' she says, ''and after an opening joke or two, he will invariably have his audiences in stitches.''

Cooke readily admits to using humor as a management tool. One of the keys to success, he believes, is ''taking your job, but not yourself, very seriously.''

Another, Cooke says, is a managerial style based on people. ''You can think about an organization in terms of its wiring diagram,'' Cooke explains, ''or its skeletal structure or the task skills you need to make it function the way you want. Or you can think in terms of the people involved. And to loosely paraphrase the apostle Paul, the greatest of these is people.

''When I get complaints, and I get a lot of them, from managers who say that people who work for them aren't doing what they're

supposed to be doing, I always ask: 'Have you told these people? Have you explained to them what you expect?' Very often I find they haven't gotten the guidance and direction they should have gotten.

''People constitute our most important resource,'' Cooke concludes, ''and so often, we treat them like dirt.''

Cooke practices what he preaches, say three senior executives who have worked at the heart of his 11-member Pentagon management team.

Doc ''is very good at getting along with people, no matter who they are,'' says Arthur H. Ehlers, who recently retired from his post as director of organizational and management planning in Cooke's office after 25 years.

Cooke has always maintained good relationships with members of Congress and with leaders in the executive branch, says Walter Freeman, another longtime top aide who is director of real estate and facilities for DoD, ''and it's not because he treats them differently from anyone else.''

Leon Kniaz, another key assistant who recently retired after a decade as director of personnel and security, elaborates. Cooke, he says, ''has always had an open-door policy and listens well to people. There isn't anybody who walks into that office and talks with Doc who doesn't think that he or she has become a personal friend . . . [Cooke] is people-oriented, and I think that comes through.''

Yet Cooke is no pushover. ''He doesn't just tell people what they want to hear,'' says Kniaz. ''He knows how to say no, and I've heard him do so in meetings where participants were expecting him to say yes.''

And when Cooke is fighting for a cause in which he believes, he fights hard, his associates agree. Perhaps nowhere in his career is this more evident than in the stubborn campaign he waged to launch the current renovation of the Pentagon.

A BUREAUCRATIC COUP

Cracks in the walls, corroded pipes and frequently overloaded electrical circuits attest to 50 years of neglect in the upkeep of the Pentagon by the General Services Administration, the agency charged with maintaining and leasing most federal buildings. (See ''Operation Renovate,'' February.)

''For years,'' says Freeman, who joined Cooke as a tenant of the Pentagon in 1983, ''Doc tried to get GSA to renovate. But it was a very expensive job, and DoD was paying big rent to GSA and was sort of cash cow. So GSA was reluctant.'' Although the ''rent'' DoD paid GSA to look after the Pentagon injected hundreds of millions of dollars into the Federal Buildings Fund each year, GSA would not finance the sweeping renovations needed. Cooke saw that the only way out of the dispute was to stage a coup.

''Doc went to Congress and asked that the ownership of the Pentagon be transferred to DoD,'' recalls Freeman, ''so we would be, in effect, our own landlord and could do the job ourselves. He set up what became known as a 'Horror Board,' and took it with him every time he would go up on the Hill to testify.''

The Horror Board was a flat panel to which Doc affixed examples of Pentagon decay. ''There would be pieces of rusting pipe, damaged wiring, pieces of asbestos and all sorts of things that showed the building was falling apart,'' Freeman says. ''New exhibits would appear periodically, and Doc would point to these things and say: 'Just look at this. See how bad conditions are.' Finally Congress agreed, and one Member said, 'All right, Doc, but you aren't bringing that thing up here again, are you?' ''

Now, Freeman points out, the Pentagon Reservation is owned by the Office of the Secretary of Defense, and an orderly, 12-year renovation project is under way. ''I can't think of anyone else who could have, or would have, done this,'' Freeman says. ''There's even a special Pentagon Renovation Revolving Fund established to pay for the project.'' Estimates put the cost of the Pentagon overhaul at $1.2 billion.

AFTER HOURS

Somewhere in between saving the Pentagon's buildings and planning the never-ending reorganizations of Defense management structures, Cooke has found time to be an active member of good-government groups and a leader of community service projects.

He also has played prominent roles in government-wide initiatives. He was, for example, a leader in the President's Council on Management Improvement (PCMI) while that group was active, and he currently chairs the Combined Federal Campaign's Washington-area coordinating committee. For years he's been a supporter of the Public Employee Roundtable—contributing a key staffer through an Intergovernmental Personnel Act assignment—and he often reflects with pride on the Roundtable's success in spreading the annual celebration of Public Service Recognition Week to dozens of communities. Today, if asked, he'll acknowledge with a chuckle the little-known fact that his office provides a good share of the funding for Vice President Gore's National Performance Review.

Cooke has been a leader in two professional groups in the field of public administration—the National Academy of Public Administration (NAPA) and the American Society for Public Administration (ASPA).

Sometimes, with Cooke's encouragement, these groups combine in support of a single project. This was the case with a 1992 initiative to reach out to students at Anacostia High School in one of Washington's poorest areas. The idea was to set up a Public Service Academy, with the goals of sparking students' interest in public service careers—and in their academic work. NAPA the National Capital Area Chapter of ASPA and the PCMI were among those who offered early support. ''I'm very pleased with that venture,'' Cooke says, beaming. ''There's nothing else like it in the area.''

Federal agencies lend three managers to the Academy each year to work with the faculty in establishing curriculum, arranging visits to and internships at government offices, coordinating special events and offering counseling to students and their families.

While Anacostia High has a graduation rate of only 55 percent, 90 percent of the Academy's students graduate. Of the 28 seniors who matriculated from the Academy this June, 25 were accepted by colleges, and 3 found jobs. ''I think that's pretty good, by just about any standards,'' says Cooke.

Cooke also works to secure further education for government workers. Anita Alpern, a distinguished adjunct professor at American University's School of Public Affairs, notes that Cooke has been a strong supporter of the Federal Executive Institute and of American University's Key Executive Program, a master's program in public administration for government employees. ''And,'' she says, ''he does all this as a firm believer that education should not stop after you've got a job, it should continue so you can do that job better.''

Cooke explains the volume of his extra curricular commitments: ''I don't think you can do the best job if you just put in your 40 hours and go home. I know that I can do better here in my office because of the extra time I spend networking and learning from others outside my office.''

THEY CAN KEEP THE GOLD WATCH

For now, Cooke has no plans to retire, which is good news for his friends at the Pentagon. ''I don't know anyone who would not shudder at the thought of Doc retiring,'' says Freeman. ''And why should he? He's doing what's fun for him and good for the country. Why should he turn to something that's not so interesting?''

Federal management is still Cooke's passion. ''There are not many higher callings,'' he says. He's passed this belief onto his three children, all of whom have federal careers.

Cooke's response to public cynicism about government is to say that, ''on balance, our [governing] system has worked well. There have been enormous innovations, especially at state and local levels. We do face serious problems in our society today, but many of them have little to do with government per se.''

Cooke maintains an external optimism. Citing, as he often does, classic philosophical literature, Cooke borrows from Voltaire as he says: ''This is the best of all possible worlds because it is the only possible world. We just have to keep working on it.''

THE LEADERSHIP AWARD

The NCAC/Government Executive Leadership award was established five years ago to recognize distinguished careers in the federal service. The award is cosponsored by the National Capital Area Chapter of the American Society for Public Administration. The roster of winners:

1995—David O. Cooke, director of administration and management and director of Washington Headquarters Services, Department of Defense

1994—June Gibbs Brown, inspector general, Department of Health and Human Services

1993—Thomas S. McFee, assistant secretary for personnel administration, Department of Health and Human Services

1992—Paul T. Weiss, deputy assistant secretary for administration, Department of Transportation

1991—Robert L. Bombaugh, director, Office of Immigration Litigation, Department of Justice

THE MINIMUM WAGE BILL

Mr. CHAFEE. Mr. President, yesterday, I voted for legislation to increase the minimum wage from $4.25 to $5.15 per hour over the next 2 years. Though this is a necessary increase, regrettably, Senators did not have a chance to vote for an ideal package.

First, it is essential that employers be given adequate time to prepare to implement the proposed increase. For this reason, I voted for the Bond amendment, though I felt delaying the increase to January 1, 1997, was too long. In my view, a reasonable effective date for the increase would have been September 1, 1996.

As passed by the Senate, H.R. 3448 would be effective retroactively to July 1, 1996, leaving employers with no adjustment period. This is unfortunate, in my view.

Second, I also believe a training wage is crucial for those entering the work force, particularly given our efforts to reform the welfare system. While many of my colleagues contend that increasing the minimum wage will encourage welfare recipients to obtain gainful employment, I am afraid the increase

will actually reduce the availability of new positions.

Congress has spent the better part of 2 years developing and refining welfare reform legislation. All of the major bills include tough work participation programs. And most would require the States to have 50 percent of their welfare recipients off of the rolls in the next 6 years. Even if another 15 to 20 percent are granted hardship exceptions, the States will still be hard pressed to find enough jobs to meet the strict work requirements imposed by this legislation.

In my State of Rhode Island, approximately 20,000 families are now on public assistance. If 20 percent of these families are exempt from the work requirement, that leaves 16,000 families who must find their way off of welfare in the next 6 years. Even if Rhode Island must find jobs for only half of these families, we are talking about 8,000 entry-level jobs. Given the stagnant economy within my State, that could prove a very difficult requirement to meet.

Despite the fact that these new workers will undergo intensive job training and must also learn important life skills, such as being punctual for work, most former welfare recipients will qualify for no more than entry-level positions. While there may be a few exceptions, most will have to prove themselves before they will be given greater opportunities in the workplace.

To retain some incentive for employers to hire and train welfare recipients, I believe a strong and effective training wage at the current minimum of $4.25 per hour should be included in H.R. 3448.

Despite my concern that the Bond amendment contained a 6-month training wage, which in my view is too long, I voted for it. In contrast, the Kennedy alternative would have provided only a 30-day training wage, limited to those under 20 years of age. This provision would not have given employers the needed incentive to take a chance on hiring a welfare recipient.

As passed by the Senate, the training wage included in H.R. 3448 has a duration of 3 months, but unfortunately is limited to those under 20 years old. I would have preferred no age limitation on the provision to ensure its full utility in moving people from welfare to work.

Third, in my view, small businesses should have some form of exemption from the minimum wage increases proposed in H.R. 3448. Very few employers who own small businesses qualify for the current exemption, which is flawed and unworkable.

For this reason, I voted for the Bond amendment. This amendment would have enabled employers with gross incomes of less than $500,000 to continue paying the current minimum wage of $4.25 per hour, while larger businesses would have been required to comply with the increase.

Regrettably, as approved by the Senate, the final version of H.R. 3448 contained no change in current law with respect to the treatment of small businesses. And hurting America's small businesses, Mr. President, places big hurdles on the road to economic recovery.

In summary, I am hopeful that some of these problems can be reviewed and corrected before H.R. 3448 becomes law.

RIGHT TO WORK FOR LESS

Mr. KERRY. Mr. President, today the Senate will take up the Right to Work Act. This legislation hurts union members by giving nonmembers a free ride to get union-negotiated benefits without contributing their fair share—or any money at all—to defray the costs. By repealing parts of the National Labor Relations Act and the Railway Labor Act which give each State the right to determine whether union security agreements should be permissible in that State, this bill would make such agreements unlawful in all States. Mr. President, this is bad public policy.

Currently, the National Labor Relations Act allows States to prohibit union security clauses but does not preempt State law if a State chooses to allow such agreements. That permits employers and unions to agree, if they wish, that employees will be required to give financial support to the union. My State of Massachusetts has chosen to permit such agreements, and workers are the beneficiaries. What the workers in my State of Massachusetts get from this is higher wages, greater benefits which protect them and their families, and a higher standard of living.

This bill unfairly tilts the playing field in favor of employers and against labor unions. Under Federal law, the union is responsible for representing employees in the bargaining unit even if they pay nothing toward the union's expenses. Under right-to-work legislation, these employees get union-negotiated higher wages and benefits as well as union representation during grievance proceedings without contributing a dime. Giving nonmembers a free ride to get union-negotiated benefits without contributing to defray the costs is unfair, and in the long run will weaken the ability of unions to obtain favorable wages and benefits for all workers in a unionized company.

Republicans are insisting on preempting State law despite the fact that only 21 States have seen fit to enact right-to-work laws since they were deemed lawful, 18 of these prior to 1959. And just last year legislatures in six States, Colorado, Maryland, Montana, New Hampshire, New Mexico, and Oklahoma, defeated statewide right-to-work bills. It is noteworthy that three of these are Republican-controlled legislatures.

Mr. President, my colleagues on the other side of the aisle want to force their sense of judgment and propriety on my State of Massachusetts and take away a free choice that my State ought to have and has always had. Simply speaking, if a State does not want right-to-work laws then these laws should not be imposed on it because some people here in the Senate more greatly value their own judgment on this issue than they do the judgment of the people of Massachusetts. I might point out that most of the Senators voting to do this voted against raising the minimum wage yesterday. This goes too far, Mr. President.

The Republicans' decision to couple the right-to-work bill—which has never been subject to hearings or markup—with the TEAM Act underscores their true disinterest in helping working Americans. And as they decry the role of big government in the lives of working Americans, the Republicans go ahead and tell the people of Massachusetts that they know better, that they know what the people of Lowell or Lawrence or Springfield or Boston or Hyannis want.

Right-to-work laws have not brought economic bonanzas to States that have adopted them. Not 1 of the 21 right-to-work States has a pay level above the national average and not 1 ranks in the top 15 States for annual workers' pay. This bill ought to be called the right-to-work-for-less bill.

Union security clauses are negotiated by a democratically elected union and the employer. Coming on the heels of Independence Day, opposing this bill is the right thing to do for the American worker, and I urge my colleagues to vote against this bill.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1997

The PRESIDING OFFICER. Under the previous order, the hour of 11:30 a.m. having arrived, the Senate will now resume consideration of S. 1745, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1745) to authorize appropriations for fiscal year 1997 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

The Senate resumed consideration of the bill.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER (Mr. FRIST). The Senator from South Carolina is recognized.

Mr. THURMOND. Mr. President, the Senate has completed many long hours of debate on S. 1745, the National Defense Authorization Act for fiscal year 1997.

I would like to thank the distinguished ranking member of the Committee on Armed Services, my good

friend Senator NUNN, for his insight, wisdom, and devotion to our Nation. He and I have always worked to provide our Armed Forces with the direction and resources they need to carry out their difficult responsibilities. Our future collective efforts will be diminished by his absence.

Senator NUNN was named chairman of the ad hoc Subcommittee on Manpower and Personnel in 1974 and he served in that capacity until 1981. In 1983, he became the ranking minority member and in 1987 he became the chairman of the committee. He served with distinction in that capacity for 8 years, and earned the respect of leaders around the globe for his wisdom, statesmanship, and insight. A hallmark of his tenure, and a basis for his effectiveness, was the trustworthy and bipartisan manner in which he conducted the committee's business. Our Nation owes Senator NUNN its deepest appreciation for his truly distinguished service.

I would also like to recognize the outstanding contributions of Senators COHEN and EXON, who are departing the Senate. They have worked and fought hard to preserve our national security, and provide for the well-being of our men and women in uniform.

Mr. President, I want to extend my deep appreciation also to the distinguished majority leader, Senator LOTT, who has been most helpful in every way in bringing this bill to final passage. He is a fine and able leader of whom the Senate can be proud.

I also want to thank all the members from both sides of the committee, and particularly Senator WARNER and Senator MCCAIN, for their leadership and assistance on the floor.

In addition, I would like to commend the entire staff of the Committee on Armed Services for their dedication and support. I would like to recognize each of them individually for their effort on this bill. I will soon ask unanimous consent that a list of the committee staff be printed in the RECORD.

I also want to recognize and thank Greg Scott and Charlie Armstrong, the legislative counsels who crafted the language of this bill.

We have achieved a number of important successes in this bill, and I commend my colleagues for their good judgment. Among these successes are:

Increasing the budget request by $11.2 billion to revitalize the procurement, and research and development accounts, which form the core of future readiness;

Significantly improving quality of life programs for our troops and their families, including funds for housing, facilities, and real property maintenance;

Authorizing a 3-percent pay raise for military members and a 4-percent increase in the basic allowance for quarters, to arrest part of the decline in compensation;

Establishing a dental health care insurance program for military retirees and their families, to keep faith with those who have kept faith with our Nation;

Increasing the level of funding requested in the President's budget for Department of Defense counternarcotics activities, to combat the flow of illegal drugs;

Authorizing increases for the Space and Missile Tracking System, cruise missile defense programs, and ballistic missile defense advanced technologies;

Accelerating the Department of Energy's phased approach to tritium production, and upgrading tritium recycling facilities; and

Providing funding for essential equipment for the Active, Guard, and Reserve components.

These are important achievements that reflect significant bipartisan effort, both within the committee and on the Senate floor. I urge my colleagues to endorse this bill with a solid vote of approval, to support our men and women in uniform who go in harm's way every day to protect our Nation.

I ask unanimous consent that the list of staff I referred to earlier be printed in the RECORD.

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

ARMED SERVICES COMMITTEE STAFF

MAJORITY

Les Brownlee, Staff Director. Charles S. Abell; Patricia L. Banks; John R. Barnes; Lucia M. Chavez; Christine K. Cimko; Kathie S. Connor; Donald A. Deline; Marie Fabrizio Dickinson; Shawn H. Edwards; Jonathan L. Etherton; Pamela L. Farrell; Cristina W. Fiori; Larry J. Hoag; Melinda M. Koutsoumpas; Lawrence J. Lanzillotta; George W. Lauffer; Paul M. Longsworth; Stephen L. Madey; John Reaves McLeod; John H. Miller; Ann Mary Mittermeyer; Bert K. Mizusawa; Lind B. Morris; Joseph G. Pallone; Cindy Pearson; Sharen E. Reaves; Steven C. Saulnier; Cord Sterling; Eric H. Thoemmes; Roslyne D. Turner; Mary Deas Boykin Wagner; Jennifer Lynn Wallace.

MINORITY

Arnold L. Punaro, Staff Director for the Minority. Christine E. Cowart; Richard D. DeBobes; Andrew S. Effron; Andrew B. Fulford; Daniel B. Ginsberg; Mickie Jan Gordon; Creighton Greene; Patrick T. Henry; William E. Hoehn, Jr.; Maurice Hutchinson; Jennifer Lambert; Michael J. McCord; Frank Norton, Jr.; Julie K. Rief; James R. Thompson III; DeNeige V. Watson.

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Mr. President, I thank Chairman THURMOND very much for his gracious remarks concerning my participation in this bill and also my participation over the last 24 years in the Defense authorization process and matters affecting our national security.

I also say to my friend from South Carolina that I identify with and completely support his remarks about two outstanding members of our committee, Senator EXON on the Democratic side and Senator COHEN on the Republican side. These two individuals have made truly enormous contributions to our Nation's security.

I have worked with Senator EXON on many different matters over the years. He has been a stalwart on strategic matters, and really has made immense contributions to our overall security.

Senator COHEN and I have joined together time after time in working on matters of great importance, including the special operating forces where he truly has been an expert and a leader. Senator COHEN is an expert on Asia and also has all sorts of legislative interests beyond the Defense Committee. But he has made tremendous contributions to the men and women who serve our Nation and to the taxpayers of our Nation. These two individuals, Senator COHEN and Senator EXON, truly will be missed.

In the brief time allotted to us today, I will defer my detailed expression of appreciation to members of the committee and staff for their dedicated service in securing passage of this legislation until we act on the conference report.

But I would like to summarize my thoughts at this time.

First and foremost, I would like to thank our distinguished chairman, Senator THURMOND. Through his leadership, his strength, and his steadfast and dedicated commitment to the national defense, this bill is about to pass. It is my honor and privilege to work with him on all of the committee matters, and indeed have had the great pleasure of working with him over the years. I know that his service will continue with the strength and leadership that he has had in the past.

I am also grateful to all of the other committee members on both sides of the aisle who have dedicated themselves to this important bill. Our subcommittee staff have done yeomen service on this bill. They deserve much credit for the passage of the bill. We brought a sound, good defense bill to the floor.

There were a number of concerns that have now been ironed out. I think of such as demarcation, as in the ballistic missile and theater missile defense area, and also regarding the ABM Treaty; the multilateral provision that was in the bill. Both of those have been greatly improved on the floor. It is my strong impression that this bill will be acceptable to the administration.

We have a real challenge in the House-Senate conference because there are a number of provisions that clearly would not be acceptable to the administration. In the House bill, we have to prevail upon those issues if we are going to have a Defense bill signed into law this year.

The Senate also adopted a provision sponsored by Senator LUGAR, Senator

DOMENICI, and myself to bolster our defenses against weapons of mass destruction, including nuclear, chemical, and biological weapons, both at home and abroad. We need no reminder that we are in an era of terrorism now. We spent all day yesterday in the hearing regarding the tragedy that took place in Saudi Arabia. Of course, our heart goes out to all of the families and to the men and women involved in that who were serving our Nation.

The provision that passed the Senate in this bill improved existing programs, such as the Nunn-Lugar program designed to stop proliferation of nuclear, chemical, and biological weapons at its source, primarily the former Soviet Union. But the primary new threat is on domestic preparedness against terrorist use of weapons of mass destruction, such as chemical, biological, and nuclear.

It is very, very clear by the hearings that we have had in the Permanent Subcommittee on Investigations, as well as other hearings, that we are not prepared as a nation to deal with chemical or biological attack. We have a long way to go in the overall area of getting our policemen, our firemen, and our health officials able to handle one of these threats, if it ever comes. But primarily our effort must continue to be to stop the sources of this proliferation at the very beginning before they leave the country where the weapons are, where the scientists are, and where the technology is; and also to make sure, if that does happen, that we stop those weapons at our own borders before we have to deal with the attacks. But we have to have a tiered defense against this growing threat.

I think we will have an even stronger bill in conference since the Senate has taken action on the floor. I urge my colleagues to support this important defense measure.

The cooperation and help exhibited by all Senators, floor staff, parliamentarians, clerks, the Reporters of Debates, attorneys, and the Legislative Counsel's Office is very much appreciated by this manager of the bill. I am sure the chairman feels likewise.

Finally, Mr. President, I have to express my appreciation to the superb committee staff on both sides of the aisle, and to our two staff directors, Les Brownlee with the majority and Arnold Punaro with the minority. They have done a magnificent job of managing and motivating in order to keep this bill on track and moving.

I particularly want to express my appreciation to Les Brownlee, who has just become the staff director, although he has been a stalwart both in his service to our Nation in the Army as well as his service on this committee. But he has truly done a tremendous job as staff director on this bill. We have enjoyed very much working with him in his new capacity, as we did in his former capacity.

I appreciate the hard work of both of the staffs. I will have more to say about them when we get the conference report back. They are not through working yet. So I do not want to overcongratulate them until we get through with the bill and we actually have it ready for conference.

I thank the chairman for his dedication.

I thank all of the members of our staff for their sacrifices which they have endured, and their families, in order to bring this bill to the floor.

Mr. President, as we conclude the debate on the national Defense authorization bill for fiscal year 1997 I would like to take a moment to bring to the Senate's attention recent remarks made by a former Senate colleague and a valued friend, Alan Dixon.

Last year, Alan Dixon had the difficult task of chairing the 1995 Base Closure Commission. While some may not agree with various aspects of the Commission's findings, the Commission, under the tremendous leadership of Alan Dixon, fulfilled its obligation to make fair assessments of Department of Defense recommendations for base closures and realignments, to review additional closure and realignment options, and to make final recommendations to the President on ways in which the Department of Defense must reduce its excess infrastructure.

DOD and the military services are executing these final BRAC decisions and affected local communities are making, plans for reuse and economic development. Mr. President, there is no easy part to base closure—the final recommendations were not easy for the Commission, implementation of the final decisions by the services is not easy, and base reuse by local communities is not easy. Not easy, but a necessary part of the Department's ability to afford modernization and readiness in the future.

Mr. President, Alan Dixon made a speech before the American Logistics Association Conference on June 18 where he summarized the 1995 Base Closure Commission's actions and commented on what should be considered in terms of a future round of base closure. In his remarks, he pointed out, as senior military and civilian defense leaders have also indicated, that excess capacity and infrastructure will remain even after all base realignment and closure actions from the 1988, 1991, 1993, and 1995 rounds have been completed. In order to address this excess infrastructure using the same Commission-type framework, Senator Dixon recommends that Congress authorize another Commission. I believe it is important that Alan Dixon's remarks be made part of the RECORD for all to read and consider.

Mr. President, I commend our former colleague, Alan Dixon, on his leadership and dedicated service on issues of great importance to our national security.

I ask unanimous consent that Senator Dixon's remarks be printed in the RECORD.

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

PERSPECTIVE ON FUTURE BASE CLOSINGS

Thank you for the opportunity to speak to your convention today. Throughout my career of public service I was a strong advocate for the readiness of our military services and the quality of life for our military members and their families, so it is a real pleasure for me to be addressing a group that contributes so much to these important goals.

Today I am going to talk a little bit about the base closure process—both the work of the 1995 Base Closure Commission which I chaired and what I see as the future of the base closure process.

Let me start just by giving a quick summary of the work of the 1995 Commission.

The 1995 Commission was actually the fourth—and under current law—the final round of base closing authorized by the Congress to operate under special expedited procedures. The first base closing round was in 1988. In my view this first round was seriously flawed from a procedural point of view. I was one of the principal authors of the 1990 Base Closure legislation that set up the succeeding three base closure rounds, and I think we corrected most of the procedural shortcomings of the 1988 rounds.

Altogether, the 1995 Commission recommended the closure of 79 military installations; the realignment of 26 others; and approved 27 requests from the Defense Department to change recommendations of previous Commissions.

The 1995 Commission rejected only 19 of the 146 closures or realignments proposed by DOD, and we closed or realigned 9 installations not requested by the Pentagon.

Like previous Commissions, the 1995 Commission made changes to the list of closures and realignments proposed by DOD only in those cases where we found that the Secretary of Defense deviated substantially from the force structure plan or the selection criteria. Of the 147 recommendations on Secretary's original list, we approved 123, or 84 percent. This is almost identical to previous Commissions. The 1993 Commission accepted 83 percent of DOD's recommendations, and the 1991 Commission accepted 83 percent.

The 1990 Base Closure Act anticipated that the Commission would give great deference to the Secretary of Defenses's recommendations, and you can see that all three Commissions did that.

I am particularly proud of the fact that the estimated 20-year savings from the 1995 Commission recommendations of just over $19.3 billion were $323 million higher than the revised savings baseline of $19.0 billion projected by DOD. This was the only time in the three closure rounds that the Commission achieved greater savings than contemplated by the Defense Department.

The 1995 Commission also included in our report a set of 20 recommendations for the President, Congress and local communities that suggested ways to improve the process of helping local communities recover from the economic consequences of a base closure.

Finally, and we will talk a little more about this in a moment, the 1995 Commission recommended that Congress authorize another round of base closures in the year 2001.

I think most of you are aware that President Clinton was a little upset with a couple of our recommendations—particularly the ones to close the Air Force Logistics Centers in Sacramento, California and San Antonio, Texas—but ultimately forwarded our recommendations to the Congress.

The Resolution of Disapproval introduced in the House of Representatives was defeated by a vote of 343 to 75 on last September 8.

AFTER FOUR SEPARATE BASE CLOSURE ROUNDS, DO WE NEED TO CLOSE MORE BASES?

In my view, the answer is yes.

In the last 10 years, the defense budget has declined in real terms by almost 40 percent, and current plans call for the defense budget to remain essentially stable through the end of the century. Overall, DOD has reduced the size of the military services by about 30 percent—and some are saying that further reductions in force levels are likely before the end of the decade.

The cumulative reduction in our domestic base structure from the 4 base closures rounds is approximately 21 percent.

I am not saying that there should be a direct correlation between reductions in force levels and reductions in basing structure, but I think we can and should reduce more base structure.

The senior DOD leadership also thinks we need to close more bases.

Secretary of Defense Bill Perry told the Commission last year that DOD would still have excess infrastructure after the 1995 round, and suggested the need for an additional round of closures and realignments in 3 to 4 years.

General Shalikashvili, the Chairman of the Joint Chiefs, agreed with Secretary Perry on the need for additional base closing authority in the future. He told us that opportunities remain in DOD to increase cross-servicing, particularly in the area of joint-use bases and training facilities.

Josh Gotbaum, who at the time was Assistant Secretary of Defense for Economic Security and oversaw the base closure process for OSD, told the Commission that ''Even after BRAC 95 has been implemented we will continue to have excess infrastructure. Future base closure authority will be necessary.''

HOW MANY ADDITIONAL BASES SHOULD BE CLOSED, AND IN WHICH MILITARY SERVICES?

It was painful enough last year to vote to close specific bases, so I am not about to get in the business of suggesting which ones ought to be closed in a future round. Those decisions can only be made after a thorough review and analysis by the military services and some future Commission.

I will suggest some functional areas that should be looked at, based on the work that the 1995 Commission did.

In general, I would put a premium on retaining operational bases that have unique strategic value or that have good training ranges and airspace that provide opportunities for realistic training. One of the keys to maintaining our qualitative edge over future potential adversaries is to provide our forces frequent, realistic opportunities to train as they would have to fight. So where we have large bases with operational units with access to good training airspace or extensive land for training ground forces, we should think long and hard before closing them.

I think the greatest opportunities for future closures lie in the support infrastructure.

The Defense Department's industrial facilities represent one area where I think further reductions are possible.

Secretary of the Army Togo West told the Commission last year that ''our analysis tells us that the Department of Defense is bleeding depot money. We are just spending money on capacity that we simply do not need now.''

The Commission on Roles and Missions, chaired by my friend John White who subsequently became the Deputy Secretary of Defense, reached the same conclusion. Their Report in May of last year said that ''With proper oversight, private contractors could provide essentially all of the depot-level maintenance services now conducted in government facilities within the United States. . . . We recommend that the Department make the transition to a depot maintenance system relying mostly on the private sector. DOD should retain organic depot capability only where private-sector alternatives are not available and cannot be developed reasonably.''

So I think the military services can look at their industrial activities for more closures.

We also found in the 1995 Commission that there was a great deal of overlap and duplication in the area of R&D labs and test and evaluation facilities. In preparing the 1995 recommendations, OSD set up 6 cross-service groups to look at functions across the military services, and we heard testimony from the directors of each of those cross service groups. The leaders of the Labs and Test and Evaluation Facilities Cross Service Group told us that they were frustrated by their inability to achieve any meaningful cross servicing in this area and felt that much more could be done.

Military medical facilities are another area where I think the military services can make some savings without compromising care to military members and their families or to military retirees. Some of the members of the 1995 Commission looked into this, and the Commission concluded in our Report that many opportunities remain for consolidating military medical facilities across service lines and with civilian sector medical resources.

WHAT SHOULD A FUTURE BASE CLOSURE PROCESS LOOK LIKE?

I have never seen a process that can't be improved on, but the fact is that the base closure process set up under the 1990 Base Closure Act worked pretty well. My friend Jim Courter, who chaired the 1991 and 1993 Commissions, deserves a lot of credit for putting in place the policies and procedures that ensured that the process was open, fair and objective.

Communities might disagree with the final recommendations of the Commission, but I don't think any community ever said that they were not given an opportunity to make their case and did not receive a fair hearing.

By the end of the 1995 process, President Clinton was not a big fan of the base closure process, but he said in a letter to me that ''The BRAC process is the only way that the Congress and the executive branch have found to make closure decisions with reasonable objectivity and finality.'' I think the President was right.

Our Commission recommended that Congress authorize another Base Closure Commission for the year 2001 similar to the 1991, 1993 and 1995 Commissions—after the Presidential election in the year 2000. We realized that the Defense Department would have a lot of work to do to implement the closures from the 1995 and prior Commissions through the end of this decade. Since the 1990 Base Closure Act gives DOD 6 years to complete closures, the closures from the 1995 round will not be completed until 2001.

IS CONGRESS LIKELY TO ENACT LEGISLATION SETTING UP ANOTHER BASE CLOSURE ROUND?

When I was Deputy Majority Whip of the United States Senate I had a hard time predicting from one day to the next whether I would be able to have dinner that night with my wife, so I hesitate to predict what Congress is likely to do on this sensitive subject.

There are some who say that Congress will not set up another Base Closure Commission because it is too painful a process to go through. There is no doubt that it was a painful process for members of Congress. We wrote the 1990 Base Closure Act to insulate the process from political and parochial influences as much as possible, and I think we succeeded to a large extent. Our 1995 Commission listened carefully to the view of members of Congress, but these members did not have any more influence on the votes of our Commission and the outcome of the process than the state and local officials and even the individual citizens in the communities affected by our decisions.

I was a member of the United States Senate for 12 years, and I know that members of Congress don't like to be put in the position that reduces their influence over the outcome of a process that could affect the economic well-being of their constituents. In this case, however, I think history shows that the process of closing bases is so politically charged that it has to be put in the hands of an independent Commission that is insulated as much as possible from partisan and parochial influences.

In my view, the defense budget is not likely to get much larger in the next five years, and we still have a requirement to maintain a ready, capable military. I am still convinced that closing military bases is one of the keys to the future readiness and modernization of our military forces.

Ultimately, I think members of Congress realize this. As painful as it is, we need to close more military bases, and I think and hope that Congress will realize this and authorize another Base Closure Commission in the future.

Mr. NUNN. Mr. President, I know Senator PELL is on the floor. I believe Senator HELMS is on the floor. So at this point I yield and reserve any time I have remaining.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, I share with the chairman of the Committee on Foreign Relations, the Senator from North Carolina [Mr. HELMS], and the Senator from Maryland [Mr. SARBANES] concerns with regard to section 1005 of the Defense authorization bill. Senator HELMS and I had planned to offer an amendment to delete that section, but, as recess approached, were not able to find an opportunity to do so.

This section of the bill would authorize spending under the Military-to-Military Program for military education and training for military personnel of foreign countries. The program would be in addition to the International Military Education and Training Program now in operation and overseen by the Committee on Foreign Relations, the Committee on Appropriations, and their appropriate subcommittees. This new program would not have the same congressional oversight.

Oversight of the International Military Education and Training [IMET] Program has proved generally valuable in ensuring that the Congress is comfortable with the activities undertaken pursuant to the program. Just this year, for instance, the Department of Defense proposed a program for a troubled country that was not consistent with its needs. In consultation with two members of the Committee on Foreign Relations, I requested that the Defense Security Assistance Agency modify the program. They were quite prepared to consider our views and to

meet our request that the program be modified. I would point out that, in that particular case, there has been a continuing and productive dialog to ensure that the program for that nation does not conflict with congressional concerns, but meets the reasonable objectives of the Department of Defense.

There is no reason to conclude that the IMET Program is not supported by the committees of jurisdiction. I would point out that the foreign operations appropriations bill just reported by the Senate Appropriations Committee provides a full $40 million for the IMET Program in the next fiscal year. This sum represents an increase in funding and reflects congressional willingness to back that well-established program.

It makes no sense to create a duplicative military education and training program under the Military-to-Military Contacts Program. The IMET Program and the contacts program have different purposes and goals. The Congress has been very careful to separate the programs to ensure that the Military-to-Military Contacts Program would not be used to circumvent the restrictions of the IMET Program and to prevent duplication and overlaps.

Three provisions were added to prohibit funding for the Military-to-Military Program from being used in countries that are ineligible for IMET to require coordination with the Secretary of State and to prevent the authorities from being used to transfer weapons. It is not at all in the interests of the Congress or the country for the distinction between these two programs to be blurred.

Mr. President, it is not at all clear why this provision is being sought. It was not requested by the Department of Defense and it is opposed by the Department of Defense and it is opposed by the Department of State.

I believe very much that section 1005 has no place in this bill. I hope that, with an eye both to comity and to good sense, it will be dropped in conference.

Thank you, Mr. President.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, I believe there are 7½ minutes set aside for me. Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. HELMS. We are supposed to begin voting at 12?

The PRESIDING OFFICER. Correct.

Mr. HELMS. How many votes in tandem, three?

The PRESIDING OFFICER. We will have a series of five votes beginning at 12 o'clock.

Mr. HELMS. I thank the Chair.

Mr. President, I have been around this place for almost 24 years now, and I have never participated in the occasional turf battles that occur, and I do not particularly enjoy making the comments I am about to make but I feel obliged to make them for the record.

Mr. President, S. 1745, as introduced and reported by the Armed Services Committee, contains, in my judgment, several significant provisions falling clearly within the primary jurisdiction of the Foreign Relations Committee. And I have disclosed now my interest in that because I am chairman of the Foreign Relations Committee. I do not think there can be a clearer case of imposing upon the jurisdiction of the Foreign Relations Committee than section 1005 of the bill, entitled ''Use of Military-to-Military Contacts Funds for Professional Military Education and Training.''

That is a lot of gobbledygook perhaps, but it is a provision that represents an obvious effort by some to commandeer a longstanding foreign policy instrument of the Department of State, that being the International Military Education and Training program known familiarly as IMET.

Section 1005 of this bill does not even pretend to differ substantively from the existing IMET program. The proposed authority would allow the Department of Defense to engage in a back-door foreign assistance program without the supervision of the State Department or the oversight of the Foreign Relations Committee by conducting ''military education and training for military and civilian personnel of foreign countries.''

Mr. President, why should the United States establish this duplicative program as identical authority already exists under chapter 5 of the Foreign Assistance Act which authorizes the President of the United States to furnish ''military education and training to military and related civilian personnel of foreign countries.''

Now, again, I am not going to get into any fight about the turf, but I must point out that this is the second year that an attempt has been made to seize foreign policy tools belonging solely to the Secretary of State. At a time when we should be considering consolidating the foreign affairs apparatus of the of the United States into the Department of State, it makes no sense to me to proliferate the number of foreign assistance programs outside the control of the Secretary of State. It makes even less sense in light of the drastic budget cuts undergone by the Department of Defense to pay for foreign aid in the defense budget and from defense funds. The result will be more nondefense spending in the 050 account.

This authority—and I have checked on this—was not requested by the administration. It has not been agreed to in the administration's interagency process, and I daresay that it likely is not supported by the Secretary of State. However, I have not talked with or to Warren Christopher about that. Because this provision falls within the jurisdiction of the Foreign Relations Committee, I respectfully request that this provision be removed from the bill during conference. That action I believe would recognize appropriately the jurisdictional responsibilities of both of our committees.

I thank the Chair, and I yield the floor.

Mr. SARBANES addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Mr. President, will the Senator from Rhode Island yield me the remainder of his time?

Mr. PELL. I yield the remainder of my time to the Senator from Maryland.

Mr. HELMS. And if I have any time I yield it to the Senator from Maryland.

The PRESIDING OFFICER. The Senator has 3½ minutes.

Mr. SARBANES. Mr. President, I join in the concerns expressed by Chairman HELMS and by the ranking member of the Foreign Relations Committee, Senator PELL, about section 1005 of this bill. This section would have the effect of creating a second IMET Program, a new aid program for foreign militaries.

IMET, the International Military Education and Training Program, funds tuition for foreign military officers in U.S. professional military training courses, and related activities. It has traditionally been funded through the foreign aid bill.

In fact, the foreign operations appropriations bill reported by the Senate Appropriations Committee provides a full $40 million for IMET in fiscal year 1997. It is one of the only programs in the entire foreign aid budget that is slated to get more money in fiscal year 1997 than in fiscal year 1996 or 1995.

When the Military-to-Military Contacts Program was established in the Defense Department, the justification was used that this would not—would not—be another IMET Program. It was to be something entirely separate. It was not going to duplicate IMET activities.

For that reason it was spelled out exactly what the new Military-to-Military Contact Program was going to be. In the law, there are listed eight specific activities, such as exchanges of personnel, transportation for contact and liaison teams, seminars and conferences, and distribution of publications, all distinct from the IMET activities.

To further ensure that the new Military-to-Military Program would not be used to circumvent the restrictions of the IMET Program, several conditions were added to ensure coordination and prevent overlap.

Because of concerns about the potential for duplication in the two programs, the fiscal year 1995 foreign operations appropriations bill required a report from the Secretary of Defense addressing the future of military training of foreign armed forces. In that report, which was issued with the concurrence of the Secretary of State, the Defense Department concluded:

The IMET Program and the traditional CINC military-to-military activities are distinct efforts contributing to the achievement

of common goals. From the beginning, both programs have commanded close coordination between the Defense and State Departments. Coordination between both departments ensures program uniqueness and the effective utilization of scarce resources in support of broad U.S. foreign policy and national security goals.

Unfortunately, what the bill now before us would do is eliminate all distinctions between the two programs. It would create, in effect, a second IMET Program under different jurisdiction and separate funding.

The Military-to-Military Contacts Program is expected to receive funding of $60 million in each of the fiscal years 1996 and 1997, out of the Services' operations and maintenance accounts. That is on top of the $40 million already going to IMET.

I wish to stress, as have my colleagues, that this authority was not requested by the Defense Department. It is not something they believe is needed. Furthermore, it is opposed by the State Department as well as by the committees of jurisdiction over foreign aid funding.

I very much regret that section 1005 has not been stricken from the bill. I make the observation that it plants the seeds for continuing controversy, which I think is something that is highly undesirable. I very strongly urge that it be dropped in conference.

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Mr. President, I am puzzled concerning the objections to the use of Military-to-Military Contacts Program funds for international military education and training [IMET].

The Armed Services Committee is told each year by the commanders in chief of the combatant commands that IMET is the United States' most cost effective program in terms of fostering friendly relations with the foreign militaries. The combatant commanders routinely point out that foreign military officers who have received IMET training come to appreciate American values and the American way of life and that these foreign officers often rise to assume senior positions of leadership within their military and civilian hierarchies.

Pursuant to this testimony, the Armed Services Committee in the Department of Defense Authorization Act for fiscal years 1992 and 1993 specifically authorized the creation of a CINC Initiative Fund to carry out eight types of activities, including military education and training to military and related civilian personnel of foreign countries. The CINC Initiative Fund is designed to provide funding for activities that were not foreseen when the budget request was submitted to Congress and that would enhance the war fighting capability, readiness, and sustainability of the forces assigned to the commander requesting the funds. In the years since this authority was created, the CINC Initiative Fund has only been used to provide IMET on a few occasions. Incidentally, the use of this authority for IMET is limited to $2 million per fiscal year.

The committee's initiative this year seeks to build upon an existing program—the Military-to-Military Contacts Program which is designed to encourage a democratic orientation of defense establishments and military forces of other countries. Under existing law, this program is primarily aimed at in-theater activities and generally involves the establishment of military liaison teams and traveling contact teams in engaging democracies to seek to identify those countries' needs and then seek to design programs that are carried out by visiting experts, seminars, conferences, or exchanges of personnel. When a larger need is identified that would exceed the limited funding for this program, the in-country liaison teams seek to identify programs under the Foreign Assistance Act that can satisfy the need. When it comes to IMET, however, we have found that existing funding for the IMET Program has already been programmed and the traditional IMET Program is unable to meet the need. We have also found that the needs of emerging democracies in Eastern Europe have caused legitimate IMET needs of countries in Latin America, Africa, and Asia to go unfunded. Thus, by adding IMET as one of the activities that can be carried out under the Military-to-Military Contacts Program, we are merely seeking to provide a modest supplement to the traditional IMET Program when a truly pressing need arises. We are, of course, amenable to put funding limits on the use of the military-to-military contacts programs for IMET and that has been communicated to the Foreign Relations Committee.

I hasten to point out that the Secretary of State must approve the conduct of any activity—not just IMET—authorized under this program and that funds cannot be provided for any country that is not eligible for assistance under the Foreign Assistance Act.

In summary, Mr. President, this is a very modest supplement to the traditional IMET Program, it has a precedent in prior congressional action relating to the CINC Initiative Fund, and we are amenable to including reasonable funding limitations to its use for IMET. I urge my colleagues to support S. 1745.

Mr. President, I would simply say that the IMET Program is one of the highest priorities of the commanders in chief we hear from every year around the world. The newly emerging democracies in the former Soviet Union and Eastern Europe have consumed a great deal of those funds, leaving almost nothing for Asia, Africa, and Latin America.

We also take note of the fact that these IMET funds have been cut each and every year, so they do not seem to have a high priority by the Foreign Relations Committee but they do have an enormous priority for our military. So we will be glad to work with our friends on the Foreign Relations Committee to iron out jurisdictional problems with the hope that we can unite behind one of the most important programs we have to have contacts and influence all over the world through military-to-military contacts that can end up bringing peace in areas that otherwise would be in conflict.

So I would take into account what my colleagues have said, but we do have a very high priority on this program and that has been exemplified in testimony year after year after year by all of our military commanders.

Mr. GLENN. Mr. President, I regret that the Senate again has produced a bill that is gravely flawed. It suffers from many of the defects associated with last year's bill. I voted to favorably report the bill out of committee in the hope that the bill would be improved when it was considered on the floor. While agreement was reached to eliminate unacceptable missile defense provisions from the bill, the bill remains fundamentally flawed. As a consequence, I will vote against its final passage.

With respect to missile defense, I am pleased with the agreement announced by the majority leader on June 28th to drop sections 231 and 232 from the bill. These sections related to U.S. compliance policy for the development, testing, and deployment of theater missile defense systems, and to the demarcation between theater and strategic missile systems. I am also grateful to see that the language in the bill in section 233 with respect to the mutilateralization of the ABM Treaty has been dropped and converted into a sense of the Senate.

I understand full well, however, that we will soon be back on the floor debating many of these same ill-advised proposals placed in another bill. I intend to speak in more detail about those proposals at the appropriate time. For now, I would just like to restate my conviction that it would ill serve the interests of our country—and surely not the interests of our taxpayers—to follow the misguided missile defense plan that the majority appears determined to pursue in the weeks ahead. As far as I am concerned, the missile defense language I cited above would have made for bad law if enacted on this bill—simply moving this language into another bill will not change this basic quality of the proposal.

The bill contains more than $11 billion in unrequested funding with huge increases in the procurement and research and development accounts. For the most part, these additions are based on the Services' so-called wish list—lists of programs the Services would like to see funded if additional funding were made available. I agree with some of the spending decisions, but I do not support this approach to defense budgeting. It undermines the objectives of Goldwater-Nichols by encouraging the submission of separate

spending priorities for each service that are set without regard to our unified command structure's warfighting needs. Moreover, I cannot support the magnitude of the increase in funding especially when we are spending billions of dollars on programs we do not need now and some we may not need ever.

The additions in procurement include $750 million for the DDG–51 destroyer program, $701 million for the new attack submarine program, $351 million for the V–22 program, $249 million for the C–17 program, $240 million for the E8–B program, $234 million for the F/A–18 C/D program, $204 million for the C–130J program, $183 million for the Apache longbow program, $158.4 million for the Kiowa warrior program, $147 million for the MLRS program and $107 million for the F–16 program.

The additions in research and development include the $885 million for missile defense programs to which I already alluded, $100 million plus-ups for the Comanche Program and Army Force XXI, $305 million for the national defense sealift fund, $147 million for the Arsenal Ship and $116 for advanced submarine technology.

The bill contains more than $600 million in unrequested military construction projects, an annual temptation that Members cannot seem to resist, even though there is no compelling reason to move these projects forward. I think it is particularly damning that at least $200 million of these projects not only did not make the initial cut of the budget request but also did not make the second cut of the services' wish lists. We are authorizing an additional $600 million in military construction projects just so Members can say that they have brought home the bacon.

Another rite of spring, the addition of hundreds of millions of dollars in Guard and Reserve equipment warrants mention. Some progress has been made in avoiding the earmarking problem we had last year. Only about $485 million of the $760 million in funding is earmarked. Unfortunately, no real progress has been made in eliciting a realistic budget request from the Defense Department for Guard and Reserve equipment. This failure invites earmarking funds for programs in Members' districts and as a consequence, the funding decisions that become law only bear relation to the Guard and Reserves' requirements by happenstance. We should not be spending the taxpayers' money in this way.

Several amendments to eliminate some or all of this unrequested funding were offered. Unfortunately, Mr. President, these efforts were defeated.

On other matters, I am concerned about the criteria used in allocating an additional $200 million for DOE's environmental restoration and waste management program. I could support, and, fact, have long advocated increased funding for this program. However, rather than accept the recommendations provided by the Department of Energy which listed projects that, if given increased funding in the near term, could save substantial dollars in the out-years, the bill factors in additional criteria concerning site employment. I have grave concerns that the credibility of the entire DOE cleanup operation will be undermined if it is treated merely as a jobs program. A number of factors should be assessed when deciding to increase funding for cleanup projects such as: reducing the risk to the public, workers and the environment, lessening the long term mortgage costs of the program; mandates and the environment; lessening the long term mortgage costs of the program; mandates from Federal and State laws; and stakeholder input. I do not believe that the effect on a given site's employment should be among these factors.

I disagree with the committee's report language concerning the external regulation of the Department of Energy. I believe Secretary O'Leary's Advisory Committee on External Regulation established credible reasons for moving to external regulation, and I believe that this goal can be accomplished without significant increased costs to the taxpayer and without any detrimental impact on our Nation's security. In my view, the Defense Nuclear Facilities Safety Board will continue to play a key role in ensuring the safe operation of the defense nuclear facilities. Since January of this year, the Department has been carefully reviewing the options available for transitioning to external regulation. A preferred option should be presented to the Secretary within the next several weeks. I believe that the Department should continue planning to move to external regulation for nuclear safety. It is my hope that the plan presented to the Secretary will outline the steps necessary for such a transition, recognizing that such a transition may take several years.

During consideration on the floor, the committee accepted an amendment I offered regarding worker safety and health at DOE's Mound. For too long Congress has done too little to ensure that the workers in our nuclear weapons complex were adequately protected from the many hazards they face on a daily basis. While the situation has improved at many sites, it is unfortunately the case that the Mound facility is still not up to the standards of other DOE facilities, not to mention commercial nuclear facilities. This amendment requires DOE to report to Congress on progress to improve worker health and safety at the facility.

On June 21, 1996, I received a letter from DOE Under Secretary Tom Grumbly. This letter clearly establishes the Department's intent and commitment to seriously and forthrightly address worker safety issues at Mound. The letter lists a series of discrete program improvements that will be taken at the mound site beginning immediately and continuing through 1997. These important upgrades should begin at the earliest possible opportunity. I remain concerned though that we may be forcing a trade off between worker safety and health improvements and the pace of cleanup at the Mound site. In order to avoid such a trade off, it may be necessary to seek an authorization for these activities during conference.

Finally, I would like to mention a special retirement provision for Federal employees who happen to work at military bases where the work will be privatized as part of base closure. The Committee on Armed Services voted 11 to 9 to add nongermane legislation to the bill that appropriately is in the jurisdiction of the Senate Governmental Affairs Committee. This amendment also was recently introduced as a bill, S. 1686, which is pending before the Subcommittee on Post Office and Civil Service of the Governmental Affairs Committee.

Its stated purpose is to make privatization more likely to succeed by giving employees an incentive to stay at the base when a private employer takes over the workload. Under the terms of the amendment, 30 percent of the Federal civilian employees at two DOD bases, one in Indianapolis and one in Louisville, would enjoy civil service retirement system [CSRS] benefits that no other Federal employee enjoys today. I believe the authors of the amendment intended for it to apply to a third base in Newark, OH, but it is unclear whether the workers at the Ohio base will be eligible for the benefit. In addition, it is unclear whether bases in Texas and California will also be covered by the amendment.

Under the terms of the amendment, additional retirement system credits would be given to employees in the civil service retirement system [CSRS] whose jobs are being privatized, and who are not eligible for immediate retirement benefits. The amendment would allow these employees to count their time as a private contract employee as qualifying service toward meeting the eligibility requirements under CSRS. In addition, their current high-3 years of salary would be indexed to general increases in Federal salaries. These benefits are independent of additional subsequent retirement benefits earned by the employees following privatization.

Under current law, the affected employees would be eligible for a CSRS pension at age 62 with the high 3 years based on current employment by the Federal Government. Under the terms of the amendment, these employees could retire at an earlier age and their high-3 years of salary would be at a level indexed during the years of privatization. Of course, they would not even be required to contribute toward the cost of these extra benefits, although Federal employees in CSRS must contribute toward system costs.

While the stated purpose of the amendment is to encourage Navy employees to accept contractor employment in Indianapolis and Louisville, the proposed retirement incentives do not apply to 70 percent of the work force at the two facilities. Nineteen percent of the employees at the two facilities are now eligible to retire under CSRS and therefore, are ineligible for the proposed retirement incentives. Fifty-one percent of the employees are covered under the Federal employees retirement system [FERS] and therefore, are also ineligible for the proposed retirement incentives. Therefore, in terms of increasing their Federal retirement benefits, it would be to the advantage of 70 percent of the work force at the two facilities, to relocate and seek other Federal employment.

Newark Air Force Base in Ohio is privatizing in the same way that the bases in Louisville and Indianapolis are scheduled to proceed, although it is not clear from the legislation whether the employees at Newark would be included in the pilot program. The privatization at Newark has been working because employees want to remain employed and many want to stay in the Newark area. Based upon Newark's experience, it is my view that the amendment, offered by Senator COATS, proposes a solution to a problem that does not really exist. Regrettably, given the nature of the proposed solution, I believe that this legislation will create a host of problems. Problems of equity and fairness that will fall straight into the lap of the Committee on Governmental Affairs, the committee with jurisdiction over Federal employment benefits.

We are in the process of downsizing the Federal Government. I note that through the efforts of the Armed Services and Governmental Affairs Committee and the administration, we have 240,000 fewer Federal employees than when President Clinton took office. Many Federal jobs are being privatized in place. Numerous Federal jobs are also being eliminated. One Ohio constituent recently wrote to me and explained that his job was being eliminated in July. He said that if we could provide him with 4 additional months of service credit, he could apply and be eligible for early retirement under the civil service retirement system. I cannot explain to this constituent why he should not be eligible for an additional 4 months of credit if we are providing years of service credit to other employees who are not even losing their jobs. They have the opportunity to continue working. They will be eligible to accrue private employer pension benefits in addition to the Federal benefits they will have already earned.

Perhaps, the Congress should consider retirement inducements for all employees affected by privatization and downsizing. However, if this is to be done, it should be done in a studied fashion. Changing a system of universal retirement benefits—where everyone previously had participated under the same benefit rules—should be the subject of hearings in a bright light, where we understand exactly what equity problems are created as well as the long-term cost of providing such retirement credits.

My problem with the amendment adopted by the Armed Service Committee is that it is not generous enough to discourage employees from seeking other Federal employment and this is the purported purpose of the legislation. The assumption that a majority of these employees will move onto other Federal employment also assumes that these employees will want to relocate and that they will find jobs through the priority placement program. These are two assumptions that I question. To repeat, the amendment is not generous enough to fulfill its stated purpose, while at the same time it is too generous when one considers that the Government is proposing to do nothing along these lines for other employees being separated from Government employment. It is these sorts of contradictions which should be the subject of congressional hearings before we act.

WESTERN KENTUCKY TRAINING SITE

Mr. FORD. Mr. President, the fiscal year 1997 Department of Defense authorization bill we will pass today contains $10.8 million in authorized funding for phase 3 construction of the Western Kentucky Training Site in Muhlenburg County, KY.

I appreciated the willingness of my colleagues to secure this funding for phase 3 construction at the site and wanted to share with them a recent articles from Soldiers magazine.

This article gives an excellent review of the center's training activities and its importance to our Nation's defense, calling it the training site of choice of units stationed in the Eastern United States.

Again, I would like to thank my colleagues for their support of this military site, and I ask unanimous consent that the article be printed in the RECORD.

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

[From Soldiers magazine, July 1996]

KENTUCKY'S NTC EAST

(By SSgt. David Altom)

Camouflaged soldiers bustle around the airstrip while, in the distance, a formation of helicopters moves slowly across the overcast sky, slingloads of vehicles and equipment swinging beneath them.

A C–130H Hercules transport lands and kicks up a cloud of dust as it taxis to the end of the strip. Turning around in preparation for takeoff, the aircraft is immediately surrounded by a team of soldiers emerging from the nearby tree line.

A Humvee pulling a trailer is quickly offloaded, the soldiers move back into the woods. The C–130 stirs up another dust storm as it roars back down the runway toward home base. The entire operation take less than five minutes.

Welcome to the Western Kentucky Training Site.

Owned and operated by the Kentucky National Guard, the WKYTS is proving popular with active and Reserve soldiers and airmen, making it the training site of choice for units stationed in the eastern United States.

The greatest appeal of the training site is the open terrain. Occupying more than 700,000 acres of reclaimed strip mine property near the western tip of Kentucky, the facility has enough flat and rolling land to give commanders plenty of training options. While nearby Fort Campbell and Fort Knox have live-fire ranges, accommodating everything from M1 Abrams main battle tanks to Multiple Launch Rocket System, the WKYTS has shown itself to be ideal for movement-to-contact exercises and large-scale maneuvers.

The expanse of the WKYTS is a tanker's dream come true, said Lt. Col. Norman Arflack, commander of the Kentucky Army Guard's 1st Battalion, 123rd Armor.

''As a maneuver unit we need to conduct force-on-force training, especially when we go to battalion-on-company tactics,'' he said. ''That's hard to do unless you go some place like Fort Hood. We feel fortunate to have a facility like this so close, especially with training dollars so tight.''

Arflack cited last summer's Advanced Warfighter Experiment as an example of the value of the WKYTS. Called Focused Dispatch, the experiment employed the latest developments in satellite communications, global positioning systems and computer technology to link armored vehicles at the Kentucky site to simulations in Fort Knox, Ky., Fort Rucker, Ala., and Fort Bliss, Texas. The result was a series of battles involving both real and simulated tanks, attack helicopters and air defense units.

''This was a great experience for us,'' said Arflack, whose unit acted as the opposition force during the experiment. ''In addition to movement-to-contact missions, we found we were able to complete a tank crew proficiency course during our training period without having to leave the compound. I saw our battalion grow in experience, and we didn't have to travel a great distance or worry about overextending our training budget.''

Col. Pat Ritter, director of the Fort Knox Battle Lab, which oversaw Focused Dispatch, held a similar opinion. ''If this isn't NTC east,'' he said, referring to the National Training Center in California. ''I don't know what is.''

Following the pattern of modernization established at the WKYTS is the recent addition of a new moving target system using a laser interface device, similar to the familiar MILES systems that most crews are already trained to use. Along with various stationary popup targets and a wash rack designed to accommodate the largest military hardware, the training center possesses features of a fully equipped battle training site.

There are plans to station a battalion of M1s at the site this summer for year-round use. Visiting units will have access to this equipment, making it unnecessary to ship their own tanks, increasing training cost-effectiveness.

CWO 4 Joe Wilkins, WKYTS manager, is especially proud of the expansion taking place at the site. Most recent is a $6.5 million project that will house 175 soldiers. Included is a 400-seat dining hall, a drill hall and classrooms for simulator training. Future construction will include additional administration and storage buildings, a physical fitness center and a dispensary.

''It's our goal to create the best military training facility possible,'' said Wilkins, ''not just for the Kentucky Guard, but for anyone who has a need for quality training. We don't like to think of ourselves as being limited in our vision.''

The versatility of the WKYTS already pays off. Last fall's Operation Mega Gold, for example, brought together elements of the 101st Airborne Division with assets of the Kentucky Air National Guard's 123rd Airlift Wing. More than 5,000 soldiers and airmen took part in the two-week exercise, culminating in the simulated capture of an airfield behind enemy lines.

Teamwork and high technology are also playing an important part in preserving the ecological stance of the WKYTS. In addition to implementing Army's Integrated Training Area Management Program, site managers have begun working with local universities in creating a comprehensive database listing complete inventories of everything from endangered species to the different types of soils. The goal is to create a complete picture of the natural resources of the WKYTS and, in turn, ensure more efficient management of the site's training environment.

''We want our soldiers to train in a natural environment, not a wasteland,'' said Faith Fiene, state environmental manager for the Kentucky Department of Military Affairs. ''With better identification of training areas and areas of avoidance by our soldiers today, we intend to preserve this training area for future soldiers as well.''

In 1994 the site received the Kentucky Governor's Environmental Excellence Awards in Soil Conservation. And an agreement with the state's Department of Fish and Wildlife Resources promises to dramatically expand the training assets that will be available to the military, as well as the recreational assets available to the public.

With its beginnings in 1969 as a 29-acre weekend training site, the WKYTS has grown considerably during its development into what many in the Kentucky Guard hope will prove to be the state-of-the-art battle training center for the 21st century.

Just as the nature of battle is one of constant change, the WKYTS is constantly improving itself, mixing computer simulation technology, satellite positioning systems, and targeting with the mud and the dust of field training—all to prepare today's soldier for tomorrow.

Mrs. FRAHM. Mr. President, I rise today in support of the fiscal year 1997 Defense authorization bill. Through the able guidance of the distinguished chairman, Senator THURMOND, the committee has worked out a strong bill, which not only ensures the readiness of our forces today, but also, through the addition of funds for the procurement and research and development accounts, takes significant steps toward ensuring the future readiness of our military.

The bill currently before us represents the second straight year of Republican leadership on defense—commonsense conservatism correcting the drastic cuts to our defenses imposed by the current administration. Had we simply rubberstamped the administrations request, we would have again placed our military on the path back to a hollow force. Once again, the Republican led congress has taken the leadership in maintaining our Armed Forces preeminence. With additional funding in the so-called investment accounts, increased funding for military construction, and the fully funded pay raise, the Senate has taken steps which will ensure that the men and women of the U.S. military are not only the best trained and equipped, but also that they are provided with an adequate quality of life.

Mr. President, I am also pleased that the bill contains a number of provisions which are important to my State of Kansas. Whether in Wichita, Parsons, or Junction City, this bill has great effects on Kansas. For example, the bill includes funding for construction projects at Fort Riley, McConnell AFB, and the Kansas National Guard. Additionally, it also ensures the efficient procurement of the joint primary aircraft training system, manufactured in Wichita, and the sensor fuzed weapons, a program important to the Kansas Army Ammunition plant.

In closing, Mr. President, as the newest member of the Armed Services Committee, I look forward to working with my colleagues in conference to craft a bill which will pass both Chambers and be presented to the President for his signature. In so doing, we will invite the President to join with us in restoring the U.S. military and ensuring their future preparedness.

Ms. MOSELEY-BRAUN. Mr. President, after much thought and careful consideration of our military obligations and needs, I have, reluctantly, to vote against the National Defense Authorization Act. My decision has been made all the more difficult because the bill two amendments—protection of a woman's marital property rights if a spouse rolls the military pension into a civil service pension and the continuation of funding for the Computer Aided Education and Training Institute —which I authored. This fact notwithstanding, I cannot, in good conscience, vote in favor of the fiscal year 1997 National Defense Authorization Act as reported out by the Armed Services Committee and amended by the Senate.

Mr. President, my reasons for voting against S. 1745 are threefold.

First, and most important, the present bill still exceeds the President and Pentagon's request by $11.3 billion. This includes $7.1 billion for unrequested procurement items—for some unexplained reason, the bill does not provide $1.2 billion for requested procurement projects—and $3.3 billion for weapons and weapon systems that are not a part of the Department of Defense's long-range modernization plans.

Second, the bill includes $3.4 billion for unrequested research and development items, while failing to provide $900 million for research and development projects requested by the President.

These unrequested increases add to the budget deficit and our national debt.

Third, many of the requested weapons and weapons systems, at best, only marginally add to the national security of our Nation. In any case, their cost do not justify their manufacture and implementation.

Mr. President, I believe in a strong defense. I also believe that defense expenditures must be consistent with our military need and obligations and that whatever we purchase it must be affordable. Sadly, the fiscal year 1997 National Defense Authorization Act does not meet either of those criteria.

USUHS

Mr. SARBANES. Mr. President, I want to express my strong support for provisions in this legislation which ensure that our Nation's only military medical school, the Uniformed Services University of the Health Sciences [USUHS] will continue its important military medicine training programs into the 21st century.

Since it was established in 1972, USUHS has played a vital role in providing top-quality medical care to the men and women of our armed services. The institution has consistently produced first-rate career medical officers who excel in meeting the needs of military medicine and military readiness.

USUHS provides a unique curriculum that contributes greatly to our military preparedness by providing knowledge that is vastly different from that taught in a civilian medical practice. This training includes such areas as trauma, mass casualties, combat surgery, medical logistics, nuclear medicine, tropical infectious diseases, and medical responses to terrorism.

Over the years, the university's graduates have consistently demonstrated a high level of performance during their various deployments in combat areas and in support missions from Desert Storm to Bosnia and Somalia. This performance based upon their extensive military training has been validated by three Surgeons General, the Assistant Secretary of Defense for Health Affairs, the American Medical Association and the Military Coalition, the Retired Officers Association, the National Association for Uniformed Services and the American Legion, among others. I ask that letters from these organizations attesting to the critical importance of the university be printed in the RECORD immediately following my statement.

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

(See exhibit 1.)

Mr. SARBANES. I also want to underscore the long-term commitment made by the majority of USUHS graduates to our armed services. Although USUHS graduates are required to serve 7 years of active duty beyond the time they devote to internships and residencies, the average time they serve is actually 18.5 years. Of the 2,304 USUHS graduates-to-date, more than 94 percent are still serving in the Air Force, the Army, the Navy, or the Public Health Service. Even more incredible is the fact that, even those who have completed their required obligation and could leave for private practice, 85 percent continue to serve our Nation.

Mr. President, the continued operation of the Uniformed Services University of the Health Sciences remains

critical to our ability to provide a continuous, experienced cadre of military physicians to meet our Nation's special needs of military medicine and medical readiness in the future. I appreciate my colleagues' continued support and commitment in this very important matter.

EXHIBIT 1

AMERICAN MEDICAL ASSOCIATION,
Chicago, IL, June 18, 1996.

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

DEAR SENATOR SARBANES: The American Medical Association (AMA) is writing to request that the Senate oppose Senator Feingold's anticipated amendment to the FY 1997 Department of Defense Authorization bill (S. 1745) which would phase out the Uniformed Services University of the Health Sciences (USUHS). We urge you to join with your colleagues in the House of Representatives who, on May 15, voted overwhelmingly (343–82) not to close the USUHS.

Our Nation's only military medical school is a national asset which contributes greatly to our military preparedness as a cost effective source of physicians for the Uniformed Services. Military physicians require special training to equip them in handling peace and war time situations that are not taught in traditional medical schools. For example, during recent military deployments in Bosnia, Somalia and the Gulf, the effects of modern weapons, the stress of continuous operations, as well as the noise, toxins and other battlefield hazards were adroitly handled by USUHS-trained physicians. The knowledge imparted to these highly-equipped physicians is vastly different from that taught in a civilian medical practice.

Many are unaware that the USUHS not only educates its own graduates, it also provides special continuing medical education courses for other physicians. Such education includes courses in combat casualty care, tropical medicine, combat stress, disaster medicine, and medical responses to terrorism—courses not available through civilian medical schools.

A 1995 GAO study concluded that the USUHS is cost effective to the federal government by producing medical graduates who consistently meet the special needs of military medicine. This same study acknowledged another telling advantage of USUHS-trained physicians: 43 out of 44 commanders of major military medical units perceived that physicians from the USUHS have a greater overall understanding of the military, greater commitment to the military, better preparation for operational assignments, and better preparation for leadership roles.

The AMA believes that the USUHS's mission and goals are consistent with our national interests and should be allowed to continue. It exemplifies the best in the federal government, and should be identified for recognition and support rather than closure.

We thank you for your consideration of the truly notable contributions that USUHS makes to our military and ultimately to our Nation.

Sincerely,

P. JOHN SEWARD, MD.

THE AMERICAN LEGION,
Washington, DC, June 18, 1996.

DEAR SENATOR: The American Legion urges opposition to any efforts to eliminate the Uniformed Services University of the Health Sciences (USUHS).

This very special institution continues to serve as a valuable source of military physicians for the armed forces of the United States and the Public Health Service. It provides the military with a corps of dedicated career medical officers instilled with a unique degree of commitment and selflessness found in doctors who are trained and skilled in providing combat casualty care. This facility offers a full range of instruction and care in those maladies typically suffered primarily by military personnel. These include tropical, epidemiological and parasitic ailments.

A recent GAO report concluded the total monetary cost for USUHS compared to the Armed Forces Health Professional Scholarship Program (AFHPSP) for civilian institutions are merely identical. However, unlike civilian medical programs, the USUHS provides military doctors well trained in primary care medicine, as well as combat casualty care, tropical medicine, combat stress and other conditions unique to military deployments and combat conditions. According to DoD, the retention rate in the armed forces is eighty-six percent for USUHS graduates compared to fourteen percent for AFHPSP.

Military medical officers serve beside and in support of U.S. service personnel when forces are deployed to a conflict. This environment is harsh, chaotic and demanding. The graduates of USUHS are trained to deal with these extremes and difficult conditions and in fact, work and improvise in some of the most deplorable circumstances where U.S. military forces are stationed.

To eliminate USUHS would be a great disservice to the men and women in the armed forces. We must do everything we can to provide the armed forces with the best health and battle casualty services available.

Once again, The American Legion urges you to oppose any efforts, especially in the FY 1997 DoD Authorization bill, which would eliminate the USUHS. We appreciate your continued support and commitment on important veterans' issues.

Sincerely,

STEVE A. ROBERTSON,
Director, National Legislative Commission.

NATIONAL ASSOCIATION FOR UNIFORMED SERVICES,
Springfield, VA, June 17, 1996.

DEAR SENATOR: As a result of misleading and incomplete information several attempts have been made to close the Uniformed Services University of the Health Sciences (USUHS). The National Association for Uniformed Services once again urges you to support USUHS.

The General Accounting Office (GAO) recently confirmed what we and other military associations have been asserting during the past four consecutive attempts at closure . . . there is NO DIFFERENCE to the federal government in the cost per year of service between USUHS and the scholarship physicians (GAO/HEHS–95–244, page 33 . . . $181,575/USUHS vs. $181,169/Scholarship).

Further, there is a difference between medicine practiced in civilian and military settings. During military deployments to Bosnia, Somalia, Haiti and the Gulf, the effects of modern weapons, the stress of continuous operations, and the noise, toxins, and other hazards of the battlefield were encountered and anticipated. Military physicians had to deal with realities of risk assessment, prevention, medical evacuation, and the clinical management of diseases and injuries; the outstanding performance of deployed USUHS physicians has been recognized and verified by the Surgeons General during Congressional Hearings and by the medical commanders in response to the GAO. It is a fact that ''the militarily unique courses provided by USUHS are NOT available through civilian medical schools'' (American Medical Association letter of endorsement to the Congress dated May 14, 1996).

USUHS has consistently met, or exceeded, its mission. This excellence in service was recognized in the House of Representatives on May 15, 1996, with 343 votes for the retention of USUHS vs. 82 votes for closure.

We believe that the Senate should reaffirm its decision for the continuation of USUHS as a cost effective source of militarily trained physicians for the Armed Forces. We believe that we owe it to those who serve our Nation in the Uniformed Services to provide them with the best medical support that is available.

Sincerely,

J.C. PENNINGTON,
Major General, USA, Retired,
President.

Mr. PELL. Mr. President, I would like to draw the attention of my fellow Members to a significant nonproliferation amendment now in the defense authorization bill. I am pleased to have joined with the Senator from Ohio [Mr. GLENN] in the provision that would withhold for a period of 1 year Export-Import Bank credits for any entity that knowingly assists a nonnuclear-weapon state to acquire a nuclear explosive device or the special nuclear materials for such a device. I am pleased that the Senator from North Carolina [Mr. HELMS] is joining us as a cosponsor.

This amendment, which has been adopted, represents a significant advance in our efforts to target companies that are profiting from nuclear proliferation. It will strengthen the President's hand in showing U.S. determination to do all that it can to prevent illicit trafficking in nuclear weapons and the materials needed to make them.

Under current law, and subject to a national interest waiver, Eximbank credits are denied to: First, any country that has violated an international nuclear safeguards agreement; second, any country that has violated an agreement for nuclear cooperation with the United States; third, any nonnuclear weapons state that has detonated a nuclear weapon, or fourth, any country that has willfully aided or abetted a nonnuclear weapons state to get nuclear weapons.

This amendment requires the President to apply sanctions against persons, including government-owned entities operating as commercial enterprises, that knowingly aid or abet efforts by a country to acquire a nuclear explosive device or the nuclear material for such a device. The amendment also authorizes the President to terminate sanctions upon receipt of reliable assurances that the effort to aid or abet has ceased and that such country or person will not in the future aid or abet any nonnuclear-weapons state in efforts to acquire nuclear explosives or unsafeguarded materials.

Mr. President, in May the State Department announced that a firm owned by the Chinese Government—CNEIC,

China Nuclear Energy Industry Corporation—had sent ring magnets to an unsafeguarded Pakistani nuclear enrichment facility and it had engaged in other undisclosed nuclear cooperation. The law provides for sanctions in such a case against China if the transfer was the result of a willful action by the Government of China. Under this amendment, CNEIC could be sanctioned specifically for its activities for a period of 1 year. With this amendment the United States would move away from a situation in which Exim financing denial must be applied against a whole country, or not at all, which has presented very difficult choices. With this amendment, the denial of Exim financing can be focused on the wrongdoer. This will help us avoid charades in which we desperately avoid facing up to proliferation problems. As a result, companies and countries tempted to misbehave in the proliferation area will know that there is a much more real prospect of penalties that are both painful and appropriate.

This amendment represents a further refinement of an expanding array of sanctions legislation that is steadily evolving in order to make it a more effective instrument of U.S. foreign policy in a bipartisan effort to end the spread of nuclear weapons.

This has included the Glenn and Symington amendments of the mid-1970's, the Nuclear Non-Proliferation Act of 1978, the Chemical and Biological Weapons Control and Warfare Elimination Act of 1991, and the Nuclear Proliferation Prevention Act of 1994 as well as a number of other legislative initiatives.

The Senate has been in the lead of efforts to develop a coherent and effective nonproliferation policy for the United States. At times, those of us most involved have worked closely with the executive branch. At other times we have been at odds, but we have been able to reach reasonable compromises. As a result, the United States has set an example for the rest of the world and has brought other nations along with us. In addition, some of the nations most concerned about proliferation have taken their own initiatives and the result is a world steadily more attuned to the problems posed by nonproliferation and better willing and able to deal with those problems.

DOE NUCLEAR SAFETY

Mr. GLENN. Would the distinguished Senator from the State of Idaho care to engage me in a colloquy concerning the Department of Energy's compliance with its nuclear safety regulations?

Mr. KEMPTHORNE. I would be delighted to. The Idaho National Engineering Laboratory is a key DOE facility located in my State, and I am very concerned that it be operated in as safe a manner as possible with regard to nuclear safety. As a fellow member of the Strategic Forces Subcommittee who has DOE facilities in his own State, I know that the Senator from Ohio shares these concerns.

Mr. GLENN. I certainly do. As the Senator knows, DOE has recently issued regulations pursuant to the Price Anderson Act/Atomic Energy Act. These regulations are entitled Nuclear Safety Management, 10 CFR 830, and Occupational Radiation Protection, 10 CFR 835. A primary purpose of these regulations is to strengthen line management accountability for nuclear safety. These regulations are enforceable with sanctions, such as fines and penalties, as appropriate. The strength of the regulations is enhanced by public accountability, primarily of the DOE contractors, through self-reporting, as well as through DOE inspections. Does the distinguished Senator from Idaho agree that these regulations will enhance the DOE's goal of improving nuclear safety?

Mr. KEMPTHORNE. Absolutely. A key factor in improving nuclear safety at DOE defense nuclear facilities is line management accountability. The Secretary of Energy and Defense Nuclear Facilities Safety Board have repeatedly highlighted this point. In order for Congress to be assured that such accountability is occurring, we should encourage the Department of Energy to provide Congress with regular briefings on the status of its compliance with the important nuclear safety regulations which we have discussed here today.

Mr. GLENN. I agree. Such briefings could include: First, a list of defense nuclear facilities evaluated and a discussion of progress made in meeting the compliance requirements set forth in the Price Anderson nuclear safety regulations; second, a list of noncompliance events and violations of the regulations identified by line management and headquarters oversight; third, improvements in public safety and worker protection as a result of these regulations; and fourth, any other information which the Department deems important.

Mr. KEMPTHORNE. I believe this is important information for Congress to have as it carries out its responsibilities. I look forward to continuing to work with the Senator from Ohio on this important issue.

Mr. GLENN. I thank the Senator and congratulate him on his leadership on these issues on the Strategic Forces Subcommittee.

Mrs. BOXER. Mr. President, although I support many provisions of the bill, I will vote against the National Defense Authorization Act of 1997.

This bill authorizes more than $10 billion above the funding level requested by the administration and the Joint Chiefs of Staff. This level of funding is simply unwarranted.

The United States spends more on its military than the next five countries combined, most of which are our NATO allies. The Soviet Union is no more and the cold war has been won. Our military must focus on the very real threats of today, not the ghost of the Warsaw Pact.

Furthermore, more than $2 billion of the congressional add-on is earmarked for programs that are not in the Pentagon's 5-year defense plan. These are programs that the Pentagon says it does not need now and will not need for the foreseeable future. Funneling billions of dollars into programs the military has made clear it does not need is bad policy in the extreme.

I am pleased that the managers have agreed to remove objectionable language concerning the ABM Treaty from the bill. While the removal of these legislative riders improves the bill, it still includes an unjustifiable authorization level for ballistic missile defense programs. I vigorously support funding for theater missile defense systems, but oppose the shift in emphasis contained to national missile defense systems. To deploy a national missile defense system as envisioned by the sponsors of this bill could cost up to $60 billion while contributing little to our national security.

The bill contains three amendments that I offered. An amendment offered by Senator GRASSLEY and myself would cap the amount of reimbursable compensation for government contractors at $200,000. This amendment will put an end to the multimillion dollar bonuses that defense executives regularly pay themselves, and then pass the bill to the American taxpayer.

Another amendment I offered would make it easier for civilians to take advantage of the tremendous resources available at the Defense Language Institute. Also, the managers accepted an amendment I offered to extend a pilot program for the purchase of municipal services at the closing Fort Ord. I hope that the managers will work to retain these amendments in conference.

Mr. GORTON. Mr. President, I ask unanimous consent for 1 minute to ask a question of the managers of the bill.

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

Mr. GORTON. Mr. President, I, too, have an amendment that I would like considered in this bill. I have discussed it with the staff and with the principals. Because they do not want to go back to second reading, they did not want to do it at the present time. But in an amendment which Senator MURRAY and I sponsored with relation to USTF's and medical care, we have a portion of section 722 that the two of us would like deleted. I simply wanted the assurances, which I am sure are there, of the Senators that they will work to do the job right for Seattle and the State of Washington in the course of the conference.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. I assure the Senator we will be glad to discuss this matter in conference.

Mr. NUNN. Mr. President, I respond to our friend from Washington that we will be glad to work with him in conference to look at this. We have just not had time to completely diagnose

and understand the effects of the amendment at this point, but we will be glad to work with him in conference.

Mr. GORTON. I thank the managers of the bill.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I ask unanimous consent that all remaining votes following the vote on passage of the DOD appropriations bill be limited to 10 minutes in length, and there be 1 minute for explanation to be provided prior to the votes with respect to the Dorgan amendment and the Kassebaum amendment.

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

Mr. THURMOND. Mr. President, going back to the defense bill, I just want to take this opportunity, although I have had printed the name of every staff member of the Armed Services Committee following my earlier remarks in the RECORD—they all did a fine job—I just want to especially commend the director, Les Brownlee, for the outstanding job he has done. He has done one of the best jobs since I have been in the Senate in connection with a defense bill.

I also would like to commend Arnold Punaro, the director on the minority side, for doing such a fine job. He has been in the Senate since 1973. We have been very fortunate to have Les Brownlee and Arnold Punaro to work with us on this defense bill.

Mr. NUNN. Mr. President, have the yeas and nays been ordered on the bill?

The PRESIDING OFFICER. They have not.

Mr. NUNN. 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. The question now occurs on the passage of S. 1745, as amended.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Mississippi [Mr. COCHRAN] is necessarily absent.

The result was announced, yeas 68, nays 31, as follows:

[Rollcall Vote No. 187 Leg.]

YEAS—68

Abraham	Dodd	Inouye
Akaka	Domenici	Jeffords
Ashcroft	Faircloth	Johnston
Bennett	Feinstein	Kassebaum
Bingaman	Ford	Kempthorne
Bond	Frahm	Kyl
Breaux	Frist	Lieberman
Brown	Gorton	Lott
Burns	Graham	Lugar
Campbell	Gramm	Mack
Chafee	Grams	McCain
Coats	Grassley	McConnell
Cohen	Gregg	Mikulski
Conrad	Hatch	Murkowski
Coverdell	Heflin	Nickles
Craig	Helms	Nunn
D'Amato	Hollings	Pressler
Daschle	Hutchison	Reid
DeWine	Inhofe	Robb
Roth	Smith	Thompson
Santorum	Snowe	Thurmond
Shelby	Stevens	Warner
Simpson	Thomas	

NAYS—31

Baucus	Harkin	Murray
Biden	Hatfield	Pell
Boxer	Kennedy	Pryor
Bradley	Kerrey	Rockefeller
Bryan	Kerry	Sarbanes
Bumpers	Kohl	Simon
Byrd	Lautenberg	Specter
Dorgan	Leahy	Wellstone
Exon	Levin	Wyden
Feingold	Moseley-Braun	
Glenn	Moynihan	

NOT VOTING—1

Cochran

The bill (S. 1745), as amended, was passed as follows:

S. 1745

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 ''National Defense Authorization Act for Fiscal Year 1997''.

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) DIVISIONS.—This Act is organized into three divisions as follows:

(1) Division A—Department of Defense Authorizations.

(2) Division B—Military Construction Authorizations.

(3) Division C—Department of Energy National Security Authorizations and Other Authorizations.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Organization of Act into divisions; table of contents.
Sec. 3. Congressional defense committees defined.
Sec. 4. General limitation.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

Sec. 101. Army.
Sec. 102. Navy and Marine Corps.
Sec. 103. Air Force.
Sec. 104. Defense-wide activities.
Sec. 105. Reserve components.
Sec. 106. Defense Inspector General.
Sec. 107. Chemical demilitarization program.
Sec. 108. Defense health program.
Sec. 109. Defense Nuclear Agency.

Subtitle B—Army Programs

Sec. 111. Multiyear procurement of Javelin missile system.
Sec. 112. Army assistance for Chemical Demilitarization Citizens' Advisory Commissions.
Sec. 113. Study regarding neutralization of the chemical weapons stockpile.
Sec. 114. Permanent authority to carry out arms initiative.
Sec. 115. Type classification of Electro Optic Augmentation (EOA) system.
Sec. 116. Bradley TOW 2 Test Program sets.
Sec. 117. Demilitarization of assembled chemical munitions.

Subtitle C—Navy Programs

Sec. 121. EA–6B aircraft reactive jammer program.
Sec. 122. Penguin missile program.
Sec. 123. Nuclear attack submarine programs.
Sec. 124. Arleigh Burke class destroyer program.
Sec. 125. Maritime prepositioning ship program enhancement.
Sec. 126. Additional exception from cost limitation for Seawolf submarine program.
Sec. 127. Radar modernization.

Subtitle D—Air Force Programs

Sec. 131. Multiyear contracting authority for the C–17 aircraft program.

Subtitle E—Reserve Components

Sec. 141. Assessments of modernization priorities of the reserve components.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

Sec. 201. Authorization of appropriations.
Sec. 202. Amount for basic research and exploratory development.
Sec. 203. Defense Nuclear Agency.
Sec. 204. Funds for research, development, test, and evaluation relating to humanitarian demining technologies.

Subtitle B—Program Requirements, Restrictions, and Limitations

Sec. 211. Space launch modernization.
Sec. 212. Department of Defense Space Architect.
Sec. 213. Space-based infrared system program.
Sec. 214. Research for advanced submarine technology.
Sec. 215. Clementine 2 micro-satellite development program.
Sec. 216. Tier III minus unmanned aerial vehicle.
Sec. 217. Defense airborne reconnaissance program.
Sec. 218. Cost analysis of F–22 aircraft program.
Sec. 219. F–22 aircraft program reports.
Sec. 220. Nonlethal weapons and technologies programs.
Sec. 221. Counterproliferation support program.
Sec. 222. Federally funded research and development centers and university-affiliated research centers.
Sec. 223. Advanced submarine technologies.
Sec. 224. Funding for basic research in nuclear seismic monitoring.
Sec. 225. Cyclone class craft self-defense.
Sec. 226. Computer-assisted education and training.
Sec. 227. Seamless High Off-Chip Connectivity.
Sec. 228. Cost-benefit analysis of F/A–18E/F aircraft program.
Sec. 229. National Polar-Orbiting Operational Environmental Satellite System.
Sec. 230. Surgical strike vehicle for use against hardened and deeply buried targets.

Subtitle C—Ballistic Missile Defense

Sec. 231. Conversion of ABM treaty to multilateral treaty.
Sec. 232. Funding for upper tier theater missile defense systems.
Sec. 233. Elimination of requirements for certain items to be included in the annual report on the ballistic missile defense program.
Sec. 234. ABM treaty defined.
Sec. 235. Scorpius space launch technology program.
Sec. 236. Corps SAM/MEADS program.
Sec. 237. Annual report on threat of attack by ballistic missiles carrying nuclear, chemical, or biological warheads.
Sec. 238. Air Force national missile defense plan.

Sec. 239. Extension of prohibition on use of funds to implement an international agreement concerning theater missile defense systems.

Subtitle D—Other Matters

Sec. 241. Live-fire survivability testing of F–22 aircraft.
Sec. 242. Live-fire survivability testing of V–22 aircraft.
Sec. 243. Amendment to University Research Initiative Support Program.
Sec. 244. Desalting technologies.

Subtitle E—National Oceanographic Partnership

Sec. 251. Short title.
Sec. 252. National Oceanographic Partnership Program.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

Sec. 301. Operation and maintenance funding.
Sec. 302. Working capital funds.
Sec. 303. Defense Nuclear Agency.
Sec. 304. Transfer from National Defense Stockpile Transaction Fund.
Sec. 305. Civil Air Patrol.
Sec. 306. SR–71 contingency reconnaissance force.

Subtitle B—Program Requirements, Restrictions, and Limitations

Sec. 311. Funding for second and third maritime prepositioning ships out of National Defense Sealift Fund.
Sec. 312. National Defense Sealift Fund.
Sec. 313. Nonlethal weapons capabilities.
Sec. 314. Restriction on Coast Guard funding.
Sec. 315. Ocenographic ship operations and data analysis.

Subtitle C—Depot-Level Activities

Sec. 321. Department of Defense performance of core logistics functions.
Sec. 322. Increase in percentage limitation on contractor performance of depot-level maintenance and repair workloads.
Sec. 323. Report on depot-level maintenance and repair.
Sec. 324. Depot-level maintenance and repair workload defined.
Sec. 325. Strategic plan relating to depot-level maintenance and repair.
Sec. 326. Annual report on competitive procedures.
Sec. 327. Annual risk assessments regarding private performance of depot-level maintenance work.
Sec. 328. Extension of authority for naval shipyards and aviation depots to engage in defense-related production and services.
Sec. 329. Limitation on use of funds for F–18 aircraft depot maintenance.
Sec. 330. Depot maintenance and repair at facilities closed by BRAC.

Subtitle D—Environmental Provisions

Sec. 341. Establishment of separate environmental restoration accounts for each military department.
Sec. 342. Defense contractors covered by requirement for reports on contractor reimbursement costs for response actions.
Sec. 343. Repeal of redundant notification and consultation requirements regarding remedial investigations and feasibility studies at certain installations to be closed under the base closure laws.
Sec. 344. Payment of certain stipulated civil penalties.
Sec. 345. Authority to withhold listing of Federal facilities on National Priorities List.
Sec. 346. Authority to transfer contaminated Federal property before completion of required remedial actions.
Sec. 347. Clarification of meaning of uncontaminated property for purposes of transfer by the United States.
Sec. 348. Shipboard solid waste control.
Sec. 349. Cooperative agreements for the management of cultural resources on military installations.
Sec. 350. Report on withdrawal of public lands at El Centro Naval Air Facility, California.
Sec. 351. Use of hunting and fishing permit fees collected at closed military reservations.
Sec. 352. Authority for agreements with Indian tribes for services under Environmental Restoration Program.

Subtitle E—Other Matters

Sec. 361. Firefighting and security-guard functions at facilities leased by the Government.
Sec. 362. Authorized use of recruiting funds.
Sec. 363. Noncompetitive procurement of brand-name commercial items for resale in commissary stores.
Sec. 364. Administration of midshipmen's store and other Naval Academy support activities as nonappropriated fund instrumentalities.
Sec. 365. Assistance to committees involved in inauguration of the President.
Sec. 366. Department of Defense support for sporting events.
Sec. 367. Renovation of building for Defense Finance and Accounting Service Center, Fort Benjamin Harrison, Indiana.
Sec. 368. Computer Emergency Response Team at Software Engineering Institute.
Sec. 369. Reimbursement under agreement for instruction of civilian students at Foreign Language Institute of the Defense Language Institute.
Sec. 370. Authority of Air National Guard to provide certain services at Lincoln Municipal Airport, Lincoln Nebraska.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

Sec. 401. End strengths for active forces.
Sec. 402. Temporary flexibility relating to permanent end strength levels.
Sec. 403. Authorized strengths for commissioned officers in grades O–4, O–5, and O–6.
Sec. 404. Extension of requirement for recommendations regarding appointments to joint 4-star officer positions.
Sec. 405. Increase in authorized number of general officers on active duty in the Marine Corps.

Subtitle B—Reserve Forces

Sec. 411. End strengths for Selected Reserve.
Sec. 412. End strengths for Reserves on active duty in support of the reserves.
Sec. 413. Personnel management relating to assignment to service in the Selective Service System.

Subtitle C—Authorization of Appropriations

Sec. 421. Authorization of appropriations for military personnel.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

Sec. 501. Extension of authority for temporary promotions for certain Navy lieutenants with critical skills.
Sec. 502. Exception to baccalaureate degree requirement for appointment in the Naval Reserve in grades above O–2.
Sec. 503. Time for award of degrees by unaccredited educational institutions for graduates to be considered educationally qualified for appointment as Reserve officers in grade O–3.
Sec. 504. Chief Warrant Officer promotions.
Sec. 505. Frequency of periodic report on promotion rates of officers currently or formerly serving in joint duty assignments.
Sec. 506. Grade of Chief of Naval Research.
Sec. 507. Service credit for senior ROTC cadets and midshipmen in simultaneous membership program.

Subtitle B—Matters Relating to Reserve Components

Sec. 511. Clarification of definition of active status.
Sec. 512. Amendments to Reserve Officer Personnel Management Act provisions.
Sec. 513. Repeal of requirement for physical examinations of members of National Guard called into Federal service.
Sec. 514. Authority for a Reserve on active duty to waive retirement sanctuary.
Sec. 515. Retirement of Reserves disabled by injury or disease incurred or aggravated during overnight stay between inactive duty training periods.
Sec. 516. Reserve credit for participation in the Health Professions Scholarship and Financial Assistance Program.
Sec. 517. Report on Guard and Reserve force structure.
Sec. 518. Modified end strength authorization for military technicians for the Air National Guard for fiscal year 1997.

Subtitle C—Officer Education Programs

Sec. 521. Increased age limit on appointment as a cadet or midshipman in the Senior Reserve Officers' Training Corps and the service academies.
Sec. 522. Demonstration project for instruction and support of Army ROTC units by members of the Army Reserve and National Guard.
Sec. 523. Prohibition on reorganization of Army ROTC Cadet Command of termination of Senior ROTC units pending report on ROTC.

Subtitle D—Other Matters

Sec. 531. Retirement at grade to which selected for promotion when a physical disability is found at any physical examination.
Sec. 532. Limitations on recall of retired members to active duty.
Sec. 533. Disability coverage for officers granted excess leave for educational purposes.
Sec. 534. Uniform policy regarding retention of members who are permanently nonworldwide assignable.
Sec. 535. Authority to extend period for enlistment in regular component under the delayed entry program.

Sec. 536. Career service reenlistments for members with at least 10 years of service.
Sec. 537. Revisions to missing persons authorities.
Sec. 538. Inapplicability of Soldiers' and Sailors' Civil Relief Act of 1940 to the period of limitations for filing claims for corrections of military records.
Sec. 539. Medal of Honor for certain African-American soldiers who served in World War II.
Sec. 540. Chief and assistant chief of Army Nurse Corps.
Sec. 541. Chief and assistant chief of Air Force Nurse Corps.
Sec. 542. Waiver of time limitations for award of certain decorations to specified persons.
Sec. 543. Military Personnel Stalking Punishment and Prevention Act of 1996.

Subtitle E—Commissioned Corps of the Public Health Service

Sec. 561. Applicability to Public Health Service of prohibition on crediting cadet or midshipmen service at the service academies.
Sec. 562. Exception to grade limitations for Public Health Service officers assigned to the Department of Defense.

Subtitle F—Defense Economic Adjustment, Diversification, Conversion, and Stabilization

Sec. 571. Authority to expand law enforcement placement program to include firefighters.
Sec. 572. Troops-to-teachers program improvements.

Subtitle G—Armed Forces Retirement Home

Sec. 581. References to Armed Forces Retirement Home Act of 1991.
Sec. 582. Acceptance of uncompensated services.
Sec. 583. Disposal of real property.
Sec. 584. Matters concerning personnel.
Sec. 585. Fees for residents.
Sec. 586. Authorization of appropriations.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

Sec. 601. Military pay raise for fiscal year 1997.
Sec. 602. Rate of cadet and midshipman pay.
Sec. 603. Pay of senior noncommissioned officers while hospitalized.
Sec. 604. Basic allowance for quarters for members assigned to sea duty.
Sec. 605. Uniform applicability of discretion to deny an election not to occupy Government quarters.
Sec. 606. Family separation allowance for members separated by military orders from spouses who are members.
Sec. 607. Waiver of time limitations for claim for pay and allowances.

Subtitle B—Bonuses and Special and Incentive Pays

Sec. 611. Extension of certain bonuses for reserve forces.
Sec. 612. Extension of certain bonuses and special pay for nurse officer candidates, registered nurses, and nurse anesthetists.
Sec. 613. Extension of authority relating to payment of other bonuses and special pays.
Sec. 614. Increased special pay for dental officers of the Armed Forces.
Sec. 615. Retention special pay for Public Health Service optometrists.
Sec. 616. Special pay for nonphysician health care providers in the Public Health Service.
Sec. 617. Foreign language proficiency pay for Public Health Service and National Oceanic and Atmospheric Administration officers.

Subtitle C—Travel and Transportation Allowances

Sec. 621. Round trip travel allowances for shipping motor vehicles at Government expense.
Sec. 622. Option to store instead of transport a privately owned vehicle at the expense of the United States.
Sec. 623. Deferral of travel with travel and transportation allowances in connection with leave between consecutive overseas tours.
Sec. 624. Funding for transportation of household effects of Public Health Service officers.

Subtitle D—Retired Pay, Survivor Benefits, and Related Matters

Sec. 631. Effective date for military retiree cost-of-living adjustment for fiscal year 1998.
Sec. 632. Allotment of retired or retainer pay.
Sec. 633. Cost-of-living increases in SBP contributions to be effective concurrently with payment of related retired pay cost-of-living increases.
Sec. 634. Annuities for certain military surviving spouses.
Sec. 635. Adjusted annual income limitation applicable to eligibility for income supplement for certain widows of members of the uniformed services.
Sec. 636. Prevention of circumvention of court order by waiver of retired pay to enhance civil service retirement annuity.

Subtitle E—Other Matters

Sec. 641. Reimbursement for adoption expenses incurred in adoptions through private placements.
Sec. 642. Waiver of recoupment of amounts withheld for tax purposes from certain separation pay received by involuntarily separated members and former members of the Armed Forces.
Sec. 643. Payment to Vietnamese commandos captured and interned by North Vietnam.

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—General

Sec. 701. Implementation of requirement for Selected Reserve dental insurance plan.
Sec. 702. Dental insurance plan for military retirees and certain dependents.
Sec. 703. Uniform composite health care system software.
Sec. 704. Enhancement of third-party collection and secondary payer authorities under CHAMPUS.
Sec. 705. Codification of authority to credit CHAMPUS collections to program accounts.
Sec. 706. Comptroller General review of health care activities of the Department of Defense relating to Persian Gulf illnesses.
Sec. 707. Restoration of previous policy regarding restrictions on use of Department of Defense Medical Facilities.
Sec. 708. Plans for medicare subvention demonstration programs.
Sec. 709. Research and benefits relating to Gulf War service.
Sec. 710. Preventive health care screening for colon and prostate cancer.

Subtitle B—Uniformed Services Treatment Facilities

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SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES DEFINED.

For purposes of this Act, the term ''congressional defense committees'' means—

(1) the Committee on Armed Services and the Committee on Appropriations of the Senate; and

(2) the Committee on National Security and the Committee on Appropriations of the House of Representatives.

SEC. 4. GENERAL LIMITATION.

Notwithstanding any other provision of this Act, the total amount authorized to be appropriated for fiscal year 1997 for the national defense function under the provisions of this Act is $265,583,000,000.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

SEC. 101. ARMY.

Funds are hereby authorized to be appropriated for fiscal year 1997 for procurement for the Army as follows:

(1) For aircraft, $1,508,515,000.

(2) For missiles, $1,160,829,000.

(3) For weapons and tracked combat vehicles, $1,460,115,000.

(4) For ammunition, $1,156,728,000.

(5) For other procurement, $3,298,940,000.

SEC. 102. NAVY AND MARINE CORPS.

(a) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 1997 for procurement for the Navy as follows:

(1) For aircraft, $6,911,352,000.

(2) For weapons, including missiles and torpedoes, $1,513,263,000.

(3) For shipbuilding and conversion, $6,567,330,000.

(4) For other procurement, $3,005,040,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 1997 for procurement for the Marine Corps in the amount of $816,107,000.

SEC. 103. AIR FORCE.

Funds are hereby authorized to be appropriated for fiscal year 1997 for procurement for the Air Force as follows:

(1) For aircraft, $7,003,528,000.

(2) For missiles, $2,847,177,000.

(3) For other procurement, $5,889,519,000.

SEC. 104. DEFENSE-WIDE ACTIVITIES.

Funds are hereby authorized to be appropriated for fiscal year 1997 for Defense-wide procurement in the amount of $1,908,012,000.

SEC. 105. RESERVE COMPONENTS.

Funds are hereby authorized to be appropriated for fiscal year 1997 for procurement of aircraft, vehicles, communications equipment, and other equipment for the reserve components of the Armed Forces as follows:

(1) For the Army National Guard, $224,000,000.

(2) For the Air National Guard, $305,800,000.

(3) For the Army Reserve, $90,000,000.

(4) For the Naval Reserve, $40,000,000.

(5) For the Air Force Reserve, $40,000,000.

(6) For the Marine Corps Reserve, $60,000,000.

SEC. 106. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for fiscal year 1997 for procurement for the Inspector General of the Department of Defense in the amount of $2,000,000.

SEC. 107. CHEMICAL DEMILITARIZATION PROGRAM.

There is hereby authorized to be appropriated for fiscal year 1997 the amount of $802,847,000 for—

(1) the destruction of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521); and

(2) the destruction of chemical warfare materiel of the United States that is not covered by section 1412 of such Act.

SEC. 108. DEFENSE HEALTH PROGRAM.

Funds are hereby authorized to be appropriated for fiscal year 1997 for the Department of Defense for procurement for carrying out health care programs, projects, and activities of the Department of Defense in the total amount of $269,470,000.

SEC. 109. DEFENSE NUCLEAR AGENCY.

Of the amounts authorized to be appropriated for the Department of Defense under section 104, $7,900,000 shall be available for the Defense Nuclear Agency.

Subtitle B—Army Programs

SEC. 111. MULTIYEAR PROCUREMENT OF JAVELIN MISSILE SYSTEM.

The Secretary of the Army may, in accordance with section 2306b of title 10, United States Code, enter into multiyear procurement contracts for the procurement of the Javelin missile system.

SEC. 112. ARMY ASSISTANCE FOR CHEMICAL DEMILITARIZATION CITIZENS' ADVISORY COMMISSIONS.

Subsections (b) and (f) of section 172 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2341; 50 U.S.C. 1521 note) are each amended by striking out ''Assistant Secretary of the Army (Installations, Logistics and Environment)'' and inserting in lieu thereof ''Assistant Secretary of the Army (Research, Development and Acquisition)''.

SEC. 113. STUDY REGARDING NEUTRALIZATION OF THE CHEMICAL WEAPONS STOCKPILE.

(a) STUDY.—The Secretary of Defense shall conduct a study to determine the cost of incineration of the current chemical munitions stockpile by building incinerators at each existing facility compared to the proposed cost of dismantling those same munitions, neutralizing them at each storage site and transporting the neutralized remains and all munitions parts to a centrally located incinerator within the United States for incineration.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate committees of the Congress a report on the study carried out under subsection (a).

SEC. 114. PERMANENT AUTHORITY TO CARRY OUT ARMS INITIATIVE.

Section 193(a) of the Armament Retooling and Manufacturing Support Initiative Act of 1992 (subtitle H of title I of Public Law 102–484; 10 U.S.C. 2501 note) is amended by striking out ''During fiscal years 1993 through 1996'', and inserting in lieu thereof ''During fiscal years 1993 through 1998''.

SEC. 115. TYPE CLASSIFICATION OF ELECTRO OPTIC AUGMENTATION (EOA) SYSTEM.

(a) REQUIREMENT.—The Secretary of the Army shall type classify the Electro Optic Augmentation (EOA) system.

(b) FUNDING.—Of the amounts authorized to be appropriated for the Army by this division, $100,000 shall made be available to the Armored Systems Modernization Program manager for the type classification required by subsection (a).

SEC. 116. BRADLEY TOW 2 TEST PROGRAM SETS.

Of the funds authorized to be appropriated under section 101(3) of the National Defense Authorization Act for Fiscal Year 1996 (110 Stat. 204), $6,000,000 is available for the procurement of Bradley TOW 2 Test Program sets.

SEC. 117. DEMILITARIZATION OF ASSEMBLED CHEMICAL MUNITIONS.

(a) PILOT PROGRAM.—The Secretary of Defense shall conduct a pilot program to identify and demonstrate feasible alternatives to incineration for the demilitarization of assembled chemical munitions.

(b) PROGRAM REQUIREMENTS.—(1) The Secretary of Defense shall designate an executive agent to carry out the pilot program required to be conducted under subsection (a).

(2) The executive agent shall—

(A) be an officer or executive of the United States Government;

(B) be accountable to the Secretary of Defense; and

(C) not be, or have been, in direct or immediate control of the chemical weapon stockpile demilitarization program established by 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521) or the alternative disposal process program carried out under sections 174 and 175 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 50 U.S.C. 1521 note).

(3) The executive agent may—

(A) carry out the pilot program directly;

(B) enter into a contract with a private entity to carry out the pilot program; or

(C) transfer funds to another department or agency of the Federal Government in order to provide for such department or agency to carry out the pilot program.

(4) A department or agency that carries out the pilot program under paragraph (3)(C) may not, for purposes of the pilot program, contract with or competitively select the organization within the Army that exercises direct or immediate management control over either program referred to in paragraph (2)(C).

(5) The pilot program shall terminate not later than September 30, 2000.

(c) ANNUAL REPORT.—Not later than December 15 of each year in which the Secretary carries out the pilot program, the Secretary shall submit to Congress a report on the activities under the pilot program during the preceding fiscal year.

(d) EVALUATION AND REPORT.—Not later than December 31, 2000, the Secretary of Defense shall—

(1) evaluate each demilitarization alternative identified and demonstrated under the pilot program to determine whether that alternative—

(A) is as safe and cost efficient as incineration for disposing of assembled chemical munitions; and

(B) meets the requirements of section 1412 of the Department of Defense Authorization Act, 1986; and

(2) submit to Congress a report containing the evaluation.

(e) LIMITATION ON LONG LEAD CONTRACTING.—(1) Notwithstanding any other provision of law and except as provided in paragraph (2), the Secretary may not enter into any contract for the purchase of long lead materials considered to be baseline incineration specific materials for the construction of an incinerator at any site in Kentucky or Colorado, within one year of the date of enactment of this Act or, thereafter until the executive agent designated for the pilot program submits an application for such permits as are necessary under the law of the State of Kentucky or the law of the State of Colorado, as the case may be, for the construction at that site of a plant for demilitarization of assembled chemical munitions by means of an alternative to incineration.

(2) *Provided, however,* That the Secretary may enter into a contract described in paragraph (1) beginning 60 days after the date on which the Secretary submits to Congress—

(A) the report required by subsection (d)(2); and

(B) the certification of the executive agent that there exists no alternative technology as safe and cost efficient as incineration for demilitarizing chemical munitions at nonbulk sites that can meet the requirements of section 1412 of the Department of Defense Authorization Act, 1986.

(f) ASSEMBLED CHEMICAL MUNITION DEFINED.—For the purpose of this section, the term ''assembled chemical munition'' means an entire chemical munition, including component parts, chemical agent, propellant, and explosive.

(g) FUNDING.—(1) Of the amount authorized to be appropriated under section 107, $60,000,000 shall be available for the pilot program under this section. Such funds may not be derived from funds to be made available under the chemical demilitarization program for the alternative technologies research and development program at bulk sites.

(2) Funds made available for the pilot program pursuant to paragraph (1) shall be made available to the executive agent for use for the pilot program.

Subtitle C—Navy Programs

SEC. 121. EA–6B AIRCRAFT REACTIVE JAMMER PROGRAM.

(a) LIMITATION.—None of the funds appropriated pursuant to section 102(a)(1) for modifications or upgrades of EA–6B aircraft may be obligated, other than for a reactive jammer program for such aircraft, until 30 days after the date on which the Secretary of the Navy submits to the congressional defense committees in writing—

(1) a certification that some or all of such funds have been obligated for a reactive jammer program for EA–6B aircraft; and

(2) a report that sets forth a detailed, well-defined program for—

(A) developing a reactive jamming capability for EA–6B aircraft; and

(B) upgrading the EA–6B aircraft of the Navy to incorporate the reactive jamming capability.

(b) CONTINGENT TRANSFER OF FUNDS TO AIR FORCE.—(1) If the Secretary of the Navy has not submitted the certification and report described in subsection (a) to the congressional defense committees before June 1, 1997, then, on that date, the Secretary of Defense shall transfer to Air Force, out of appropriations available to the Navy for fiscal year 1997 for procurement of aircraft, the amount equal to the amount appropriated to the Navy for fiscal year 1997 for modifications and upgrades of EA–6B aircraft.

(2) Funds transferred to the Air Force pursuant to paragraph (1) shall be available for maintaining and upgrading the jamming capability of EF–111 aircraft.

SEC. 122. PENGUIN MISSILE PROGRAM.

(a) MULTIYEAR PROCUREMENT AUTHORITY.—The Secretary of the Navy may, in accordance with section 2306b of title 10, United States Code, enter into multiyear procurement contracts for the procurement of not more than 106 Penguin missile systems.

(b) LIMITATION ON TOTAL COST.—The total amount obligated or expended for procurement of Penguin missile systems under contracts under subsection (a) may not exceed $84,800,000.

SEC. 123. NUCLEAR ATTACK SUBMARINE PROGRAMS.

(a) AMOUNTS AUTHORIZED.—(1) Of the amount authorized to be appropriated by section 102(a)(3)—

(A) $804,100,000 shall be available for construction of the third vessel (designated SSN–23) in the Seawolf attack submarine class;

(B) $296,200,000 shall be available for long-lead and advance construction and procurement of components for construction of a submarine (previously designated by the Navy as the New Attack Submarine) beginning in fiscal year 1998 to be built by Electric Boat Division; and

(C) $701,000,000 shall be available for long-lead and advance construction and procurement of components for construction of a second submarine (previously designated by the Navy as the New Attack Submarine) beginning in fiscal year 1999 to be built by Newport News Shipbuilding.

(2) In addition to the purposes for which the amount authorized to be appropriated by section 102(a)(3) is available under subparagraphs (B) and (C) of paragraph (1), the amounts available under such subparagraphs are also available for contracts with Electric Boat Division and Newport News Shipbuilding to carry out the provisions of the ''Memorandum of Agreement Among the Department of the Navy, Electric Boat Corporation (EB) and Newport News Shipbuilding and Drydock Company (NNS) Concerning the New Attack Submarine'', dated April 5, 1996, relating to design data transfer, design improvements, integrated process teams, and updated design base.

(b) CONTRACTS AUTHORIZED.—(1) The Secretary of the Navy is authorized, using funds available pursuant to subparagraphs (B) and (C) of subsection (a)(1), to enter into contracts with Electric Boat Division and Newport News Shipbuilding, and suppliers of components, during fiscal year 1997 for—

(A) the procurement of long-lead components for the submarines referred to in such subparagraphs; and

(B) advance construction of such components and other components for such submarines.

(2) The Secretary of the Navy may enter into a contract or contracts under this section with the shipbuilder of the submarine referred to in subsection (a)(1)(B) only if the Secretary enters into a contract or contracts under this section with the shipbuilder of the submarine referred to in subsection (a)(1)(C).

(c) COMPETITION AND LIMITATIONS ON OBLIGATIONS.—(1)(A) Of the amounts made available pursuant to subsection (a)(1), not more than $100,000,000 may be obligated or expended until the Secretary of Defense certifies in writing to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives that procurement of nuclear attack submarines described in subparagraph (B) will be provided for under one or more contracts that are entered into after a competition between Electric Boat Division and Newport News Shipbuilding in which the Secretary of the Navy solicits competitive proposals and awards the contract or contracts on the basis of price.

(B) The submarines referred to in subparagraph (A) are nuclear attack submarines that are to be constructed beginning—

(i) after fiscal year 1999; or

(ii) if four submarines are to be procured as provided for in the plan required under section 131(c) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 209), after fiscal year 2001.

(2) Of the amounts made available pursuant to subsection (a)(1), not more than $100,000,000 may be obligated or expended until the Under Secretary of Defense for Acquisition and Technology submits to the committees referred to in paragraph (1) a written report that describes in detail—

(A) the oversight activities undertaken by the Under Secretary up to the date of the report pursuant to section 131(b)(2)(C) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 207), and the plans for the future development and improvement of the nuclear attack submarine program of the Navy;

(B) the implementation of, and activities conducted under, the program required to be established by the Director of the Defense Advanced Research Projects Agency by section 131(i) of such Act (110 Stat. 210) for the development and demonstration of advanced submarine technologies and a rapid prototype acquisition strategy for both land-based and at-sea subsystem and system demonstrations of such technologies; and

(C) all research, development, test, and evaluation programs, projects, or activities within the Department of Defense which, in the opinion of the Under Secretary, are designed to contribute to the development and demonstration of advanced submarine technologies leading to a more capable, more affordable nuclear attack submarine, together with a specific identification of ongoing involvement, and plans for future involvement, in any such program, project, or activity by Electric Boat Division, Newport News Shipbuilding, or both.

(d) REFERENCES TO SHIPBUILDERS.—For purposes of this section—

(1) the shipbuilder referred to as ''Electric Boat Division'' is the Electric Boat Division of the General Dynamics Corporation; and

(2) the shipbuilder referred to as ''Newport News Shipbuilding'' is the Newport News Shipbuilding and Drydock Company.

(e) NEXT ATTACK SUBMARINE AFTER NEW ATTACK SUBMARINE.—The Secretary of Defense shall modify the plan (relating to development of a program leading to production of a more capable and less expensive submarine than the New Attack Submarine) that was submitted to Congress pursuant to section 131(c) of Public Law 104–106 (110 Stat. 208) in order to provide in such plan for selection of a design for a next submarine for serial production not earlier than fiscal year 2000 (rather than fiscal year 2003, as provided in paragraph (3)(B) of such section 131(c)).

SEC. 124. ARLEIGH BURKE CLASS DESTROYER PROGRAM.

(a) FUNDING.—(1) Subject to paragraph (3), funds authorized to be appropriated by section 102(a)(3) may be made available for contracts entered into in fiscal year 1996 under subsection (b)(1) of section 135 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 211) for construction for the third of the three Arleigh Burke class destroyers covered by that subsection. Such funds are in addition to amounts made available for such contracts by the second sentence of subsection (a) of that section.

(2) Subject to paragraph (3), funds authorized to be appropriated by section 102(a)(3) may be made available for contracts entered into in fiscal year 1997 under subsection (b)(2) of such section 135 for construction (including advance procurement) for the Arleigh Burke class destroyers covered by such subsection (b)(2).

(3) The aggregate amount of funds available under paragraphs (1) and (2) for contracts referred to in such paragraphs may not exceed $3,483,030,000.

(4) Within the amount authorized to be appropriated by section 102(a)(3), $750,000,000 is authorized to be appropriated for advance procurement for construction for the Arleigh Burke class destroyers authorized by subsection (b).

(b) AUTHORITY FOR MULTIYEAR PROCUREMENT OF TWELVE VESSELS.—The Secretary of the Navy is authorized, pursuant to section 2306b of title 10, United States Code, to enter into multiyear contracts for the procurement of a total of 12 Arleigh Burke class destroyers at a procurement rate of three ships in each of fiscal years, 1998, 1999, 2000, and 2001 in accordance with this subsection and subsections (a)(4) and (c), subject to the availability of appropriations for such destroyers. A contract for construction of one or more vessels that is entered into in accordance with this subsection shall include a clause that limits the liability of the Government to the contractor for any termination of the contract.

SEC. 125. MARITIME PREPOSITIONING SHIP PROGRAM ENHANCEMENT.

Section 2218(f) of title 10, United States Code, shall not apply in the case of the purchase of three ships for the purpose of enhancing Marine Corps prepositioning ship squadrons.

SEC. 126. ADDITIONAL EXCEPTION FROM COST LIMITATION FOR SEAWOLF SUBMARINE PROGRAM.

Section 133 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 211) is amended—

(1) in subsection (a), by striking out ''subsection (b)'' and inserting in lieu thereof ''subsections (b) and (c)''; and

(2) by striking out subsection (c) and inserting in lieu thereof the following:

''(c) COSTS NOT INCLUDED.—The previous obligations of $745,700,000 for the SSN–23, SSN–24, and SSN–25 submarines, out of funds appropriated for fiscal years 1990, 1991, and 1992, that were subsequently canceled (as a result of a cancellation of such submarines) shall not be taken into account in the application of the limitation in subsection (a).''.

SEC. 127. RADAR MODERNIZATION.

Funds appropriated for the Navy for fiscal years before fiscal year 1997 may not be used for development and procurement of the Pulse Doppler Upgrade modification to the AN/SPS–48E radar system.

Subtitle D—Air Force Programs

SEC. 131. MULTIYEAR CONTRACTING AUTHORITY FOR THE C–17 AIRCRAFT PROGRAM.

(a) MULTIYEAR CONTRACTS AUTHORIZED.—The Secretary of the Air Force may, pursuant to section 2306b of title 10, United States Code (except as provided in subsection (b)(1)), enter into one or more multiyear contracts for the procurement of not more than a total of 80 C–17 aircraft.

(b) CONTRACT PERIOD.—(1) Notwithstanding section 2306b(k) of title 10, United States Code, the period covered by a contract entered into on a multiyear basis under the authority of subsection (a) may exceed five years, but may not exceed seven years.

(2) Paragraph (1) shall not be construed as prohibiting the Secretary of the Air Force from entering into a multiyear contract for a period of less than seven years. In determining to do so, the Secretary shall consider whether—

(A) sufficient funding is provided for in the future-years defense program for procurement, within the shorter period, of the total

number of aircraft to be procured (within the number set forth in subsection (a)); and

(B) the contractor is capable of delivering that total number of aircraft within the shorter period.

(c) OPTION TO CONVERT TO ONE-YEAR PROCUREMENTS.—Each multiyear contract for the procurement of C–17 aircraft authorized by subsection (a) shall include a clause that permits the Secretary of the Air Force—

(1) to terminate the contract as of September 30, 1998, without a modification in the price of each aircraft and without incurring any obligation to pay the contractor termination costs; and

(2) to then enter into follow-on one-year contracts with the contractor for the procurement of C–17 aircraft (within the total number of aircraft authorized under subsection (a)) at a negotiated price that is not to exceed the price that is negotiated before September 30, 1998, for the annual production contract for the C–17 aircraft in lot VIII and subsequent lots.

Subtitle E—Reserve Components

SEC. 141. ASSESSMENTS OF MODERNIZATION PRIORITIES OF THE RESERVE COMPONENTS.

(a) ASSESSMENTS REQUIRED.—Not later than December 1, 1996, each officer referred to in subsection (b) shall submit to the congressional defense committees an assessment of the modernization priorities established for the reserve component or reserve components for which that officer is responsible.

(b) RESPONSIBLE OFFICERS.—The officers required to submit a report under subsection (a) are as follows:

(1) The Chief of the National Guard Bureau.

(2) The Chief of Army Reserve.

(3) The Chief of Air Force Reserve.

(4) The Director of Naval Reserve.

(5) The Commanding General, Marine Forces Reserve.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 1997 for the use of the Department of Defense for research, development, test, and evaluation as follows:

(1) For the Army, $4,958,140,000.

(2) For the Navy, $9,041,534,000.

(3) For the Air Force, $14,786,356,000.

(4) For Defense-wide activities, $9,699,542,000, of which—

(A) $252,038,000 is authorized for the activities of the Director, Test and Evaluation; and

(B) $21,968,000 is authorized for the Director of Operational Test and Evaluation.

SEC. 202. AMOUNT FOR BASIC RESEARCH AND EXPLORATORY DEVELOPMENT.

(a) FISCAL YEAR 1997.—Of the amounts authorized to be appropriated by section 201, $4,005,787,000 shall be available for basic research and exploratory development projects.

(b) BASIC RESEARCH AND EXPLORATORY DEVELOPMENT DEFINED.—For purposes of this section, the term ''basic research and exploratory development'' means work funded in program elements for defense research and development under Department of Defense category 6.1 or 6.2.

SEC. 203. DEFENSE NUCLEAR AGENCY.

Of the amounts authorized to be appropriated for the Department of Defense under section 201, $221,330,000 shall be available for the Defense Nuclear Agency.

SEC. 204. FUNDS FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION RELATING TO HUMANITARIAN DEMINING TECHNOLOGIES.

Of the amounts authorized to be appropriated by section 201(4), $18,000,000 shall be available for research, development, test, and evaluation activities relating to humanitarian demining technologies (PE0603120D), to be administered by the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict.

Subtitle B—Program Requirements, Restrictions, and Limitations

SEC. 211. SPACE LAUNCH MODERNIZATION.

(a) FUNDING.—Funds appropriated pursuant to the authorization of appropriations in section 201(3) are authorized to be made available for space launch modernization for purposes and in amounts as follows:

(1) For the Evolved Expendable Launch Vehicle program, $44,457,000.

(2) For a competitive reusable launch vehicle technology program, $25,000,000.

(b) LIMITATIONS.—(1) Of the funds made available for the reusable launch vehicle technology program pursuant to subsection (a)(2), the total amount obligated for such purpose may not exceed the total amount allocated in the fiscal year 1997 current operating plan of the National Aeronautics and Space Administration for the Reusable Space Launch program of the National Aeronautics and Space Administration.

(2) None of the funds made available for the Evolved Expendable Launch Vehicle program pursuant to subsection (a)(1) may be obligated until the Secretary of Defense certifies to Congress that the Secretary has made available for obligation the funds, if any, that are made available for the reusable launch vehicle technology program pursuant to subsection (a)(2).

SEC. 212. DEPARTMENT OF DEFENSE SPACE ARCHITECT.

(a) REQUIRED PROGRAM ELEMENT.—The Secretary of Defense shall include the kinetic energy tactical anti-satellite program of the Department of Defense as an element of the space control architecture being developed by the Department of Defense Space Architect.

(b) LIMITATION ON USE OF FUNDS.—None of the funds authorized to be appropriated pursuant to this Act, or otherwise made available to the Department of Defense for fiscal year 1997, may be obligated or expended for the Department of Defense Space Architect until the Secretary of Defense certifies to Congress that—

(1) the Secretary is complying with the requirement in subsection (a);

(2) funds appropriated for the kinetic energy tactical anti-satellite program for fiscal year 1996 have been obligated in accordance with section 218 of Public Law 104–106 and the Joint Explanatory Statement of the Committee of Conference accompanying S. 1124 (House Report 104–450 (104th Congress, second session)); and

(3) the Secretary has made available for obligation the funds appropriated for the kinetic energy tactical anti-satellite program for fiscal year 1997 in accordance with this Act.

SEC. 213. SPACE-BASED INFRARED SYSTEM PROGRAM.

(a) FUNDING.—Funds appropriated pursuant to the authorization of appropriations in section 201(3) are authorized to be made available for the Space-Based Infrared System program for purposes and in amounts as follows:

(1) For Space Segment High, $192,390,000.

(2) For Space Segment Low (the Space and Missile Tracking System), $247,221,000.

(3) For Cobra Brass, $6,930,000.

(b) CONDITIONAL TRANSFER OF MANAGEMENT OVERSIGHT.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall transfer the management oversight responsibilities for the Space and Missile Tracking System from the Secretary of the Air Force to the Director of the Ballistic Missile Defense Organization.

(c) CERTIFICATION.—If, within the 30-day period described in subsection (b), the Secretary of Defense submits to Congress a certification that the Secretary has established a program baseline for the Space-Based Infrared System that satisfies the requirements of section 216(a) of Public Law 104–106 (110 Stat. 220), then subsection (b) of this section shall cease to be effective on the date on which the Secretary submits the certification.

SEC. 214. RESEARCH FOR ADVANCED SUBMARINE TECHNOLOGY.

Section 132 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 210) is repealed.

SEC. 215. CLEMENTINE 2 MICRO-SATELLITE DEVELOPMENT PROGRAM.

(a) AMOUNT FOR PROGRAM.—Of the amount authorized to be appropriated under section 201(3), $50,000,000 shall be available for the Clementine 2 micro-satellite near-Earth asteroid interception mission.

(b) LIMITATION.—None of the funds authorized to be appropriated pursuant to this Act for the global positioning system (GPS) Block II F Satellite system may be obligated until the Secretary of Defense certifies to Congress that—

(1) funds appropriated for fiscal year 1996 for the Clementine 2 Micro-Satellite development program have been obligated in accordance with Public Law 104–106 and the Joint Explanatory Statement of the Committee of Conference accompanying S. 1124 (House Report 104–450 (104th Congress, second session)); and

(2) the Secretary has made available for obligation the funds appropriated for fiscal year 1997 for the Clementine 2 micro-satellite development program in accordance with this section.

SEC. 216. TIER III MINUS UNMANNED AERIAL VEHICLE.

No official of the Department of Defense may enter into a contract for the procurement of (including advance procurement for) a higher number of Dark Star (tier III) low observable, high altitude endurance unmanned aerial vehicles than is necessary to complete procurement of a total of three such vehicles until flight testing has been completed.

SEC. 217. DEFENSE AIRBORNE RECONNAISSANCE PROGRAM.

(a) REPORT REQUIRED.—The Secretary of Defense shall submit to Congress a report comparing the Predator unmanned aerial vehicle program with the Dark Star (tier III) low observable, high altitude endurance unmanned aerial vehicle program. The report shall contain the following:

(1) A comparison of the capabilities of the Predator unmanned aerial vehicle with the capabilities of the Dark Star unmanned aerial vehicle.

(2) A comparison of the costs of the Predator program with the costs of the Dark Star program.

(3) A recommendation on which program should be funded in the event that funds are authorized to be appropriated, and are appropriated, for only one of the two programs in the future.

(b) LIMITATION ON USE OF FUNDS PENDING SUBMISSION OF REPORT.—Funds appropriated pursuant to section 104 may not be obligated for any contract to be entered into after the date of the enactment of this Act for the procurement of Predator unmanned aerial vehicles until the date that is 60 days after the date on which the Secretary of Defense submits the report required by subsection (a).

SEC. 218. COST ANALYSIS OF F–22 AIRCRAFT PROGRAM.

(a) REVIEW OF PROGRAM.—The Secretary of Defense shall direct the Cost Analysis Improvement Group in the Office of the Secretary of Defense to review the F–22 aircraft program, analyze and estimate the production costs of the program, and submit to the Secretary a report on the results of the review. The report shall include—

(1) a comparison of—

(A) the results of the review, with

(B) the results of the last independent estimate of production costs of the program that was prepared by the Cost Analysis Improvement Group in July 1991; and

(2) a description of any major changes in programmatic assumptions that have occurred since the estimate referred to in paragraph (1)(B) was made, including any major change in assumptions regarding the program schedule, the quantity of aircraft to be developed and acquired, and the annual rates of production, together with an assessment of the effects of such changes on the program.

(b) REPORT.—Not later than March 30, 1997, the Secretary shall transmit to the congressional defense committees the report prepared under paragraph (1), together with the Secretary's views on the matters covered by the report.

(c) LIMITATION ON USE OF FUNDS PENDING SUBMISSION OF REPORT.—Not more than 92 percent of the funds appropriated for the F–22 aircraft program pursuant to the authorization of appropriations in section 103(1) may be expended until the Secretary of Defense submits the report required by subsection (b).

SEC. 219. F–22 AIRCRAFT PROGRAM REPORTS.

(a) ANNUAL REPORT.—(1) At the same time as the President submits the budget for a fiscal year to Congress pursuant to section 1105(a) of title 31, United States Code, the Secretary of Defense shall submit to Congress a report on event-based decisionmaking for the F–22 aircraft program for that fiscal year. The Secretary shall submit the report for fiscal year 1997 not later than October 1, 1996.

(2) The report for a fiscal year shall include the following:

(A) A discussion of each decision (known as an ''event-based decision'') that is expected to be made during that fiscal year regarding whether the F–22 program is to proceed into a new phase or into a new administrative subdivision of a phase.

(B) The criteria (known as ''exit criteria'') to be applied, for purposes of making the event-based decision, in determining whether the F–22 aircraft program has demonstrated the specific progress necessary for proceeding into the new phase or administrative subdivision of a phase.

(b) REPORT ON EVENT-BASED DECISIONS.—Not later than 30 days after an event-based decision has been made for the F–22 aircraft program, the Secretary of Defense shall submit to Congress a report on the decision. The report shall include the following:

(1) A discussion of the commitments made, and the commitments to be made, under the program as a result of the decision.

(2) The exit criteria applied for purposes of the decision.

(3) How, in terms of the exit criteria, the program demonstrated the specific progress justifying the decision.

SEC. 220. NONLETHAL WEAPONS AND TECHNOLOGIES PROGRAMS.

(a) FUNDING.—Of the amount authorized to be appropriated under section 201(2), $15,000,000 shall be available for joint service research, development, test, and evaluation of nonlethal weapons and nonlethal technologies under the program element established pursuant to subsection (b).

(b) NEW PROGRAM ELEMENT REQUIRED.—The Secretary of Defense shall establish a new program element for the funds authorized to be appropriated under subsection (a). The funds within that program element shall be administered by the executive agent designated for joint service research, development, test, and evaluation of nonlethal weapons and nonlethal technologies.

(c) LIMITATION PENDING RELEASE OF FUNDS.—(1) None of the funds authorized to be appropriated for the Department of Defense for fiscal year 1997 for foreign comparative testing (program element 605130D) may be obligated until the funds authorized to be appropriated in section 219(d) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 223) are released for obligation by the executive agent referred to in subsection (b).

(2) Not more than 50 percent of the funds authorized to be appropriated for the Department of Defense for fiscal year 1997 for NATO research and development (program element 603790D) may be obligated until the funds authorized to be appropriated in subsection (a) are released for obligation by the executive agent referred to in subsection (b).

SEC. 221. COUNTERPROLIFERATION SUPPORT PROGRAM.

(a) FUNDING.—Of the funds authorized to be appropriated to the Department of Defense under section 201(4), $176,200,000 shall be available for the Counterproliferation Support Program, of which $75,000,000 shall be available for a tactical antisatellite technologies program.

(b) ADDITIONAL AUTHORITY TO TRANSFER AUTHORIZATIONS.—(1) In addition to the transfer authority provided in section 1001, upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 1997 to counterproliferation programs, projects, and activities identified as areas for progress by the Counterproliferation Program Review Committee established by section 1605 of the National Defense Authorization Act for Fiscal Year 1994 (22 U.S.C. 2751 note). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) The total amount of authorizations transferred under the authority of this subsection may not exceed $50,000,000.

(3) The authority provided by this subsection to transfer authorizations—

(A) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and

(B) may not be used to provide authority for an item that has been denied authorization by Congress.

(4) A transfer made from one account to another under the authority of this subsection shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(5) The Secretary of Defense shall promptly notify Congress of transfers made under the authority of this subsection.

(c) LIMITATION ON USE OF FUNDS FOR TECHNICAL STUDIES AND ANALYSES PENDING RELEASE OF FUNDS.—(1) None of the funds authorized to be appropriated to the Department of Defense for fiscal year 1997 for program element 605104D, relating to technical studies and analyses, may be obligated or expended until the funds referred to in paragraph (2) have been released to the program manager of the tactical anti-satellite technology program for implementation of that program.

(2) The funds for release referred to in paragraph (1) are as follows:

(A) Funds authorized to be appropriated by section 218(a) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 222) that are available for the program referred to in paragraph (1).

(B) Funds authorized to be appropriated to the Department for fiscal year 1997 by this Act for the Counterproliferation Support Program that are to be made available for that program.

SEC. 222. FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTERS AND UNIVERSITY-AFFILIATED RESEARCH CENTERS.

(a) CENTERS COVERED.—Funds authorized to be appropriated for the Department of Defense for fiscal year 1997 under section 201 may be obligated to procure work from a federally funded research and development center (in this section referred to as an ''FFRDC'') or a university-affiliated research center (in this section referred to as a ''UARC'') only in the case of a center named in the report required by subsection (b) and, in the case of such a center, only in an amount not in excess of the amount of the proposed funding level set forth for that center in such report.

(b) REPORT ON ALLOCATIONS FOR CENTERS.—(1) Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report containing—

(A) the name of each FFRDC and UARC from which work is proposed to be procured for the Department of Defense for fiscal year 1997; and

(B) for each such center, the proposed funding level and the estimated personnel level for fiscal year 1997.

(2) The total of the proposed funding levels set forth in the report for all FFRDCs and UARCs may not exceed the amount set forth in subsection (d).

(c) LIMITATION PENDING SUBMISSION OF REPORT.—Not more than 15 percent of the funds authorized to be appropriated for the Department of Defense for fiscal year 1997 for FFRDCs and UARCs under section 201 may be obligated to procure work from an FFRDC or UARC until the Secretary of Defense submits the report required by subsection (b).

(d) FUNDING.—Of the amounts authorized to be appropriated by section 201, not more than a total of $1,668,850,000 may be obligated to procure services from the FFRDCs and UARCs named in the report required by subsection (b).

(e) AUTHORITY TO WAIVE FUNDING LIMITATION.—The Secretary of Defense may waive the limitation regarding the maximum funding amount that applies under subsection (a) to an FFRDC or UARC. Whenever the Secretary proposes to make such a waiver, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives notice of the proposed waiver and the reasons for the waiver. The waiver may then be made only after the end of the 60-day period that begins on the date on which the notice is submitted to those committees, unless the Secretary determines that it is essential to the national security that funds be obligated for work at that center in excess of that limitation before the end of such period and notifies those committees of that determination and the reasons for the determination.

SEC. 223. ADVANCED SUBMARINE TECHNOLOGIES.

(a) AMOUNTS AUTHORIZED FROM NAVY RDT&E ACCOUNT.—Of the amount authorized to be appropriated by section 201(2)—

(1) $489,443,000 is available for the design of the submarine previously designated by the Navy as the New Attack Submarine; and

(2) $100,000,000 is available to address the inclusion on future nuclear attack submarines of core advanced technologies, category I advanced technologies, and category II advanced technologies, as such advanced technologies are identified by the Secretary of Defense in Appendix C of the report of the Secretary entitled ''Report on Nuclear Attack Submarine Procurement and Submarine Technology'', submitted to Congress on March 26, 1996.

(b) CERTAIN TECHNOLOGIES TO BE EMPHASIZED.—In using funds made available in accordance with subsection (a)(2), the Secretary of the Navy shall emphasize research, development, test, and evaluation of the technologies identified by the Submarine Technology Assessment Panel (in the final report of the panel to the Assistant Secretary of the Navy for Research, Development, and Acquisition, dated March 15, 1996) as having the highest priority for initial investment.

(c) SHIPYARDS INVOLVED IN TECHNOLOGY DEVELOPMENT.—To further implement the recommendations of the Submarine Technology Assessment Panel, the Secretary of the Navy shall ensure that the shipyards involved in the construction of nuclear attack submarines are also principal participants in the process of developing advanced submarine technologies and including the technologies in future submarine designs. The Secretary shall ensure that those shipyards have access for such purpose (under procedures prescribed by the Secretary) to the Navy laboratories and the Office of Naval Intelligence and (in accordance with arrangements to be made by the Secretary) to the Defense Advanced Research Projects Agency.

(d) FUNDING FOR CONTRACTS UNDER 1996 AGREEMENT AMONG THE NAVY AND SHIPYARDS.—In addition to the purposes of which the amount authorized to be appropriated by section 201(2) are available under paragraphs (1) and (2) of subsection (a), the amounts available under such paragraphs are also available for contracts with Electric Boat Division and Newport News Shipbuilding to carry out the provisions of the ''Memorandum of Agreement Among the Department of the Navy, Electric Boat Corporation (EB), and Newport News Shipbuilding and Drydock Company (NNS) Concerning the New Attack Submarine'', dated April 5, 1996, for research and development activities under that memorandum of agreement.

SEC. 224. FUNDING FOR BASIC RESEARCH IN NUCLEAR SEISMIC MONITORING.

Of the amount authorized to be appropriated by section 201(3) and made available for arms control implementation for the Air Force (account PE0305145F), $6,500,000 shall be available for basic research in nuclear seismic monitoring.

SEC. 225. CYCLONE CLASS CRAFT SELF-DEFENSE.

(a) STUDY REQUIRED.—Not later than March 31, 1997, the Secretary of Defense shall—

(1) carry out a study of vessel self-defense options for the Cyclone class patrol craft; and

(2) submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on the results of the study.

(b) SOCOM INVOLVEMENT.—The Secretary shall carry out the study through the Commander of the Special Operations Command.

(c) SPECIFIC SYSTEM TO BE EVALUATED.—The study under subsection (a) shall include an evaluation of the BARAK ship self-defense missile system.

SEC. 226. COMPUTER-ASSISTED EDUCATION AND TRAINING.

Of the amount authorized to be appropriated under section 201(4), $10,000,000 shall be available under program element 0601103D for computer-assisted education and training at the Defense Advanced Research Projects Agency.

SEC. 227. SEAMLESS HIGH OFF-CHIP CONNECTIVITY.

Of the amount authorized to be appropriated by this Act, $7,000,000 shall be available for the Defense Advanced Research Projects Agency for research and development on Seamless High Off-Chip Connectivity (SHOCC) under the materials and electronic technology program (PE 0602712E).

SEC. 228. COST-BENEFIT ANALYSIS OF F/A–18E/F AIRCRAFT PROGRAM.

(a) REPORT ON PROGRAM.—Not later than March 30, 1997, the Secretary of Defense shall submit to the congressional defense committees a report on the F/A–18E/F aircraft program.

(b) CONTENT OF REPORT.—The report shall contain the following:

(1) A review of the F/A–18E/F aircraft program.

(2) An analysis and estimate of the production costs of the program for the total number of aircraft realistically expected to be procured at each of three annual production rates as follows:

(A) 18 aircraft.

(B) 24 aircraft.

(C) 36 aircraft.

(3) A comparison of the costs and benefits of the program with the costs and benefits of the F/A–18C/D aircraft program taking into account the operational combat effectiveness of the aircraft.

(c) LIMITATION ON USE OF FUNDS PENDING TRANSMITTAL OF REPORT.—No more than 90 percent of the funds authorized to be appropriated by this Act may be obligated or expended for the procurement of F/A–18E/F aircraft before the date that is 30 days after the date on which the congressional defense committees receive the report required under subsection (a).

SEC. 229. NATIONAL POLAR-ORBITING OPERATIONAL ENVIRONMENTAL SATELLITE SYSTEM.

(a) FUNDS AVAILABLE FOR POLAR-ORBITING OPERATIONAL ENVIRONMENTAL SATELLITE SYSTEM.—Of the amount authorized to be appropriated under section 201(3), $29,024,000 is available for the National Polar-Orbiting Operational Environmental Satellite System (Space) program (PE 0603434F).

(b) FUNDS AVAILABLE FOR INTERCONTINENTAL BALLISTIC MISSILE.—Of the amount authorized to be appropriated under section 201(3), $212,895,000 is available for the Intercontinental Ballistic Missile—EMD program (PE 0604851F).

SEC. 230. SURGICAL STRIKE VEHICLE FOR USE AGAINST HARDENED AND DEEPLY BURIED TARGETS.

(a) AMOUNT AUTHORIZED.—Of the amount authorized to be appropriated by section 201(4) for counterproliferation support program $3,000,000 shall be made available to the Air Combat Command for research and development into the near-term development of a capability to defeat hardened and deeply buried targets, including tunnels and deeply buried facilities for the production and storage of chemical, biological, and nuclear weapons and their delivery systems.

(b) REQUIREMENTS.—Nothing in this section shall be construed as precluding the application of the requirements of the Competition in Contracting Act.

Subtitle C—Ballistic Missile Defense

SEC. 231. CONVERSION OF ABM TREATY TO MULTILATERAL TREATY.

(a) FISCAL YEAR 1997.—It is the sense of the Senate that during fiscal year 1997, the United States shall not be bound by any international agreement entered into by the President that would substantively modify the ABM Treaty, including any agreement that would add one or more countries as signatories to the treaty or would otherwise convert the treaty from a bilateral treaty to a multilateral treaty, unless the agreement is entered pursuant to the treaty making power of the President under the Constitution.

(b) RELATIONSHIP TO OTHER LAW.—This section shall not be construed as superseding section 232 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2701) for any fiscal year other than fiscal year 1997, including any fiscal year after fiscal year 1997.

SEC. 232. FUNDING FOR UPPER TIER THEATER MISSILE DEFENSE SYSTEMS.

(a) FUNDING.—Funds authorized to be appropriated under section 201(4) shall be available for purposes and in amounts as follows:

(1) For the Theater High Altitude Area Defense (THAAD) System, $621,798,000.

(2) For the Navy Upper Tier (Theater Wide) system, $304,171,000.

(b) LIMITATION.—None of the funds appropriated or otherwise made available for the Department of Defense pursuant to this or any other Act may be obligated or expended by the Office of the Under Secretary of Defense for Acquisition and Technology for official representation activities, or related activities, until the Secretary of Defense certifies to Congress that—

(1) the Secretary has made available for obligation the funds provided under subsection (a) for the purposes specified in that subsection and in the amounts appropriated pursuant to that subsection; and

(2) the Secretary has included the Navy Upper Tier theater missile defense system in the theater missile defense core program.

SEC. 233. ELIMINATION OF REQUIREMENTS FOR CERTAIN ITEMS TO BE INCLUDED IN THE ANNUAL REPORT ON THE BALLISTIC MISSILE DEFENSE PROGRAM.

Section 224(b) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (10 U.S.C. 2431 note), is amended—

(1) by striking out paragraphs (3), (4), (7), (9), and (10); and

(2) by redesignating paragraphs (5), (6), and (8), as paragraphs (3), (4), and (5), respectively.

SEC. 234. ABM TREATY DEFINED.

In this subtitle, the term ''ABM Treaty'' means the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missile Systems, signed in Moscow on May 26, 1972, with related protocol, signed in Moscow on July 3, 1974.

SEC. 235. SCORPIUS SPACE LAUNCH TECHNOLOGY PROGRAM.

Of the amount authorized to be appropriated under section 201(4) for the Ballistic Missile Defense Organization for Support Technologies/Follow-On Technologies (PE 63173C), up to $7,500,000 is available for the Scorpius space launch technology program.

SEC. 236. CORPS SAM/MEADS PROGRAM.

(a) FUNDING.—Of the amount authorized to be appropriated under section 201(4)—

(1) $56,200,000 is available for the Corps surface-to-air missile (SAM)/Medium Extended Air Defense System (MEADS) program (PE63869C); and

(2) $515,711,000 is available for Other Theater Missile Defense programs, projects, and activities (PE63872C).

(b) INTERNATIONAL COOPERATION.—The Secretary of Defense may carry out the program referred to in subsection (a) in accordance with the memorandum of understanding entered into on May 25, 1996 by the governments of the United States, Germany, and Italy regarding international cooperation on such program (including any amendments to the memorandum of understanding).

(c) LIMITATIONS.—Not more than $15,000,000 of the amount available for the Corps SAM/MEADS program under subsection (a) may be obligated until the Secretary of Defense submits to the congressional defense committees the following:

(1) An initial program estimate for the Corps SAM/MEADS program, including a tentative schedule of major milestones and an estimate of the total program cost through initial operational capability.

(2) A report on the options associated with the use of existing systems, technologies, and program management mechanisms to satisfy the requirement for the Corps surface-to-air missile, including an assessment of cost and schedule implications in relation to the program estimate submitted under paragraph (1).

(3) A certification that there will be no increase in overall United States funding commitment to the project definition and validation phase of the Corps SAM/MEADS program as a result of the withdrawal of France from participation in the program.

SEC. 237. ANNUAL REPORT ON THREAT OF ATTACK BY BALLISTIC MISSILES CARRYING NUCLEAR, CHEMICAL, OR BIOLOGICAL WARHEADS.

(a) FINDINGS.—Congress makes the following findings:

(1) The worldwide proliferation of ballistic missiles is a potential threat to the United States national interests overseas and challenges United States defense planning.

(2) In the absence of a national missile defense, the United States remains vulnerable to long-range missile threats.

(3) Russia has a ground-based missile defense system deployed around Moscow.

(4) Several countries, including Iraq, Iran, and North Korea may soon be technologically capable of threatening the United States and Russia with ballistic missile attack.

(b) REPORT REQUIRED.—(1) Each year, the President shall submit to Congress a report on the threats to the United States of attack by ballistic missiles carrying nuclear, biological, or chemical warheads.

(2) The President shall submit the first report not later than 180 days after the date of the enactment of this Act.

(c) CONTENT OF REPORT.—The report shall contain the following:

(1) A list of all countries thought to have nuclear, chemical, or biological weapons, the estimated numbers of such weapons that each country has, and the destructive potential of the weapons.

(2) A list of all countries thought to have ballistic missiles, the estimated number of such missiles that each country has, and an assessment of the ability of those countries to integrate their ballistic missile capabilities with their nuclear, chemical, or biological weapons technologies.

(3) A comparison of the United States civil defense capabilities with the civil defense capabilities of each country that has nuclear, chemical, or biological weapons and ballistic missiles capable of delivering such weapons.

(4) An estimate of the number of American fatalities and injuries that could result, and an estimate of the value of property that could be lost, from an attack on the United States by ballistic missiles carrying nuclear, chemical, or biological weapons if the United States were left undefended by a national missile defense system covering all 50 States.

(5) Assuming the use of any existing theater ballistic missile defense system for defense of the United States, a list of the States that would be left exposed to nuclear ballistic missile attacks and the criteria used to determine which States would be left exposed.

(6) The means by which the United States is preparing to defend itself against the potential threat of ballistic missile attacks by North Korea, Iran, Iraq, and other countries obtaining ballistic missiles capable of delivering nuclear, chemical, and biological weapons in the near future.

(7) For each country that is capable of attacking the United States with ballistic missiles carrying a nuclear, biological, or chemical weapon, a comparison of—

(A) the vulnerability of the United States to such an attack if theater missile defenses were used to defend against the attack; and

(B) the vulnerability of the United States to such an attack if a national missile defense were in place to defend against the attack.

SEC. 238. AIR FORCE NATIONAL MISSILE DEFENSE PLAN.

(a) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the Air Force proposal for a Minuteman based national missile defense system is an important national missile defense option and is worthy of serious consideration; and

(2) the Secretary of Defense should give the Air Force National Missile Defense Proposal full consideration.

(b) REPORT.—Not later than 120 days after the enactment of this Act, the Secretary of Defense shall provide the congressional defense committees a report on the following matters in relation to the Air Force National Missile Defense Proposal:

(1) The cost and operational effectiveness of a system that could be developed pursuant to the Air Forces' plan.

(2) The Arms Control implications of such system.

(3) Growth potential to meet future threats.

(4) The Secretary's recommendation for improvements to the Air Force's plan.

SEC. 239. EXTENSION OF PROHIBITION ON USE OF FUNDS TO IMPLEMENT AN INTERNATIONAL AGREEMENT CONCERNING THEATER MISSILE DEFENSE SYSTEMS.

Section 235(c) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 232) is amended in the matter preceding paragraph (1) by inserting ''or 1997'' after ''fiscal year 1996''.

Subtitle D—Other Matters

SEC. 241. LIVE-FIRE SURVIVABILITY TESTING OF F–22 AIRCRAFT.

(a) AUTHORITY FOR RETROACTIVE WAIVER.—The Secretary of Defense may, in accordance with section 2366(c) of title 10, United States Code, waive for the F–22 aircraft program the survivability tests required by that section, notwithstanding that such program has entered full-scale engineering development.

(b) REPORTING REQUIREMENT.—(1) If the Secretary of Defense submits in accordance with section 2366(c)(1) of title 10, United States Code, a certification that live-fire testing of the F–22 aircraft would be unreasonably expensive and impractical, the Secretary of Defense shall require that F–22 aircraft components and subsystems be made available for any alternative live-fire test program.

(2) The components and subsystem required by the Secretary to be made available for such a program shall be components that—

(A) could affect the survivability of the F–22 aircraft; and

(B) are sufficiently large and realistic that meaningful conclusions about the survivability of F–22 aircraft can be drawn from the test results.

(c) FUNDING.—Funds available for the F–22 aircraft program may be used for carrying out any alternative live-fire testing program for F–22 aircraft.

SEC. 242. LIVE-FIRE SURVIVABILITY TESTING OF V–22 AIRCRAFT.

(a) AUTHORITY FOR RETROACTIVE WAIVER.—The Secretary of Defense may, in accordance with section 2366(c) of title 10, United States Code, waive for the V–22 aircraft program the survivability tests required by that section, notwithstanding that such program has entered engineering and manufacturing development.

(b) ALTERNATIVE SURVIVABILITY TEST REQUIREMENTS.—If the Secretary of Defense submits in accordance with section 2366(c)(1) of title 10, United States Code, a certification that live-fire testing of the V–22 aircraft would be unreasonably expensive and impractical, the Secretary of Defense shall require that a sufficient number of components critical to the survivability of the V–22 aircraft be tested in an alternative live-fire test program involving realistic threat environments that meaningful conclusions about the survivability of V–22 aircraft can be drawn from the test results.

(c) FUNDING.—Funds available for the V–22 aircraft program may be used for carrying out any alternative live-fire testing program for V–22 aircraft.

SEC. 243. AMENDMENT TO UNIVERSITY RESEARCH INITIATIVE SUPPORT PROGRAM.

Section 802(c) of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1701; 10 U.S.C. 2358 note) is amended by striking out ''fiscal years before the fiscal year in which the institution submits a proposal'' and inserting in lieu thereof ''most recent fiscal years for which complete statistics are available when proposals are requested''.

SEC. 244. DESALTING TECHNOLOGIES.

(a) FINDINGS.—Congress makes the following findings:

(1) Access to scarce fresh water is likely to be a cause of future military conflicts in the Middle East and has a direct impact on stability and security in the region.

(2) The Middle East is an area of vital and strategic importance to the United States.

(3) The United States has played a military role in the Middle East, most recently in the Persian Gulf War, and may likely be called upon again to deter aggression in the region.

(4) United States troops have used desalting technologies to guarantee the availability of fresh water in past deployments in the Middle East.

(5) Adequate, efficient, and cheap access to high-quality fresh water will be vital to maintaining the readiness and sustainability of United States troops, and those of our allies.

(b) SENSE OF SENATE.—It is the sense of the Senate that, as improved access to fresh water will be an important factor in helping prevent future conflicts in the Middle East, the United States should, in cooperation with its allies, promote and invest in technologies to reduce the costs of converting saline water into fresh water.

(c) FUNDING FOR RESEARCH AND DEVELOPMENT.—Of the amounts authorized to be appropriated by this title, the Secretary shall place greater emphasis on making funds available for research and development into efficient and economical processes and methods for converting saline water into fresh water.

Subtitle E—National Oceanographic Partnership

SEC. 251. SHORT TITLE.

This subtitle may be cited as the ''National Oceanographic Partnership Act''.

SEC. 252. NATIONAL OCEANOGRAPHIC PARTNERSHIP PROGRAM.

(a) PROGRAM REQUIRED.—(1) Subtitle C of title 10, United States Code, is amended by inserting after chapter 663 the following new chapter:

''CHAPTER 665—NATIONAL OCEANOGRAPHIC PARTNERSHIP PROGRAM

''Sec.
''7901. National Oceanographic Partnership Program.
''7902. National Ocean Research Leadership Council.
''7903. Partnership program projects.

''§ 7901. National Oceanographic Partnership Program

''(a) ESTABLISHMENT.—The Secretary of the Navy shall establish a program to be known as the 'National Oceanographic Partnership Program'.

''(b) PURPOSES.—The purposes of the program are as follows:

''(1) To promote the national goals of assuring national security, advancing economic development, protecting quality of life, and strengthening science education and communication through improved knowledge of the ocean.

''(2) To coordinate and strengthen oceanographic efforts in support of those goals by—

''(A) identifying and carrying out partnerships among Federal agencies, institutions of higher education, industry, and other members of the oceanographic scientific community in the areas of data, resources, education, and communication; and

''(B) reporting annually to Congress on the program.

''(c) NATIONAL COASTAL DATA CENTER.—(1) The Secretary of the Navy shall establish a National Coastal Data Center at each of two educational institutions that are either well-established oceanographic institutes or graduate schools of oceanography. The Secretary shall select for the center one institution located at or near the east coast of the continental United States and one institution located at or near the west coast of the continental United States.

''(2) The purpose of the center is to collect, maintain, and make available for research and educational purposes information on coastal oceanographic phenomena.

''(3) The Secretary shall complete the establishment of the National Coastal Data Center not later than one year after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1997.

''§ 7902. National Ocean Research Leadership Council

''(a) COUNCIL.—There is a National Ocean Research Leadership Council (hereinafter in this chapter referred to as the ''Council'').

''(b) MEMBERSHIP.—The Council is composed of the following members:

''(1) The Secretary of the Navy who shall be the chairman of the Council.

''(2) The Administrator of the National Oceanic and Atmospheric Administration, who shall be the vice chairman of the Council.

''(3) The Director of the National Science Foundation.

''(4) The Administrator of the National Aeronautics and Space Administration.

''(5) The Commandant of the Coast Guard.

''(6) With their consent, the President of the National Academy of Sciences, the President of the National Academy of Engineering, and the President of the Institute of Medicine.

''(7) Up to five members appointed by the Chairman from among individuals who will represent the views of ocean industries, institutions of higher education, and State governments.

''(c) TERM OF OFFICE.—The term of office of a member of the Council appointed under paragraph (7) of subsection (b) shall be two years, except that any person appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term.

''(d) ANNUAL REPORT.—Not later than March 1 of each year, the Council shall submit to Congress a report on the National Oceanographic Partnership Program. The report shall contain the following:

''(1) A description of activities of the program carried out during the fiscal year before the fiscal year in which the report is prepared. The description also shall include a list of the members of the Ocean Research Partnership Coordinating Group (established pursuant to subsection (e)), the Ocean Research Advisory Panel (established pursuant to subsection (f)), and any working groups in existence during the fiscal year covered.

''(2) A general outline of the activities planned for the program during the fiscal year in which the report is prepared.

''(3) A summary of projects continued from the fiscal year before the fiscal year in which the report is prepared and projects expected to be started during the fiscal year in which the report is prepared and during the following fiscal year.

''(4) A description of the involvement of the program with Federal interagency coordinating entities.

''(5) The amounts requested, in the budget submitted to Congress pursuant to section 1105(a) of title 31 for the fiscal year following the fiscal year in which the report is prepared, for the programs, projects, and activities of the program and the estimated expenditures under such programs, projects, and activities during such following fiscal year.

''(e) OCEAN RESEARCH PARTNERSHIP COORDINATING GROUP.—(1) The Council shall establish an Ocean Research Partnership Coordinating Group consisting of not more than 10 members appointed by the Council from among officers and employees of the Government, persons employed in the maritime industry, educators at institutions of higher education, and officers and employees of State governments.

''(2) The Council shall designate a member of the Coordinating Group to serve as Chairman of the group.

''(3) The Council shall assign to the Coordinating Group responsibilities that the Council considers appropriate. The Coordinating Group shall be subject to the authority, direction, and control of the Council in the performance the assigned responsibilities.

''(f) OCEAN RESEARCH ADVISORY PANEL.—(1) The Council shall establish an Ocean Research Advisory Panel consisting of members appointed by the Council from among persons eminent in the fields of oceanography, ocean sciences, or marine policy (or related fields) who are representative of the interests of governments, institutions of higher education, and industry in the matters covered by the purposes of the National Oceanographic Partnership Program (as set forth in section 7901(b) of this title).

''(2) The Council shall assign to the Advisory Panel responsibilities that the Council consider appropriate. The Coordinating Group shall be subject the authority, direction, and control of the Council to in the performance of the assigned responsibilities.

''§ 7903. Partnership program projects

''(a) SELECTION OF PARTNERSHIP PROJECTS.—The National Ocean Research Leadership Council shall select the partnership projects that are to be considered eligible for support under the National Oceanographic Partnership Program. A project partnership may be established by any instrument that the Council considers appropriate, including a memorandum of understanding, a cooperative research and development agreement, and any similar instrument.

''(b) CONTRACT AND GRANT AUTHORITY.—(1) The Council may authorize one or more of the departments and agencies of the Federal Government represented on the Council to enter into contracts or to make grants for the support of partnership projects selected under subsection (a).

''(2) Funds appropriated or otherwise made available for the National Oceanographic Partnership Program may be used for contracts entered into or grants awarded under authority provided pursuant to paragraph (1).''.

(2) The table of chapters at the beginning of subtitle C of title 10, United States Code, and at the beginning of part IV of such subtitle, are each amended by inserting after the item relating to chapter 663 the following:

''665. National Oceanographic Partnership Program ..... 7901''.

(b) INITIAL APPOINTMENTS OF COUNCIL MEMBERS.—The Chairman of the National Ocean Research Leadership Council established under section 7902 of title 10, United States Code, as added by subsection (a)(1), shall make the appointments required by subsection (b)(7) of such section not later than December 1, 1996.

(c) FIRST ANNUAL REPORT OF NATIONAL OCEAN RESEARCH LEADERSHIP COUNCIL.—The first annual report required by section 7902(d) of title 10, United States Code, as added by subsection (a)(1), shall be submitted to Congress not later than March 1, 1997. The first report shall include, in addition to the information required by such section, information about the terms of office, procedures, and responsibilities of the Ocean Research Advisory Panel established by the Council.

(d) FUNDING.—Of the funds authorized to be appropriated by section 201(2), $13,000,000 shall be available for the National Oceanographic Partnership Program.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

SEC. 301. OPERATION AND MAINTENANCE FUNDING.

Funds are hereby authorized to be appropriated for fiscal year 1997 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance, in amounts as follows:

(1) For the Army, $18,147,623,000.

(2) For the Navy, $20,298,339,000.

(3) For the Marine Corps, $2,279,477,000.

(4) For the Air Force, $17,949,339,000.

(5) For Defense-wide activities, $9,863,942,000.

(6) For the Army Reserve, $1,094,436,000.

(7) For the Naval Reserve, $851,027,000.

(8) For the Marine Corps Reserve, $110,367,000.

(9) For the Air Force Reserve, $1,493,553,000.

(10) For the Army National Guard, $2,218,477,000.

(11) For the Air National Guard, $2,699,173,000.

(12) For the Defense Inspector General, $136,501,000.

(13) For the United States Court of Appeals for the Armed Forces, $6,797,000.

(14) For Environmental Restoration, Army, $356,916,000.

(15) For Environmental Restoration, Navy, $302,900,000.

(16) For Environmental Restoration, Air Force, $414,700,000.

(17) For Environmental Restoration, Defense-wide, $258,500,000.

(18) For Drug Interdiction and Counterdrug Activities, Defense-wide, $793,824,000.

(19) For Medical Programs, Defense, $9,375,988,000.

(20) For Cooperative Threat Reduction programs, $327,900,000.

(21) For Overseas Humanitarian, Disaster, and Civic Aid programs, $49,000,000.

SEC. 302. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 1997 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds in amounts as follows:

(1) For the Defense Business Operations Fund, $947,900,000.

(2) For the National Defense Sealift Fund, $1,268,002,000.

SEC. 303. DEFENSE NUCLEAR AGENCY.

Of the amounts authorized to be appropriated for the Department of Defense under section 301(5), $88,083,000 shall be available for the Defense Nuclear Agency.

SEC. 304. TRANSFER FROM NATIONAL DEFENSE STOCKPILE TRANSACTION FUND.

(a) TRANSFER AUTHORITY.—To the extent provided in appropriations Acts, not more than $150,000,000 is authorized to be transferred from the National Defense Stockpile Transaction Fund to operation and maintenance accounts for fiscal year 1997 in amounts as follows:

(1) For the Army, $50,000,000.

(2) For the Navy, $50,000,000.

(3) For the Air Force, $50,000,000.

(b) TREATMENT OF TRANSFERS.—Amounts transferred under this section—

(1) shall be merged with, and be available for the same purposes and the same period as, the amounts in the accounts to which transferred; and

(2) may not be expended for an item that has been denied authorization of appropriations by Congress.

(c) RELATIONSHIP TO OTHER TRANSFER AUTHORITY.—The transfer authority provided in this section is in addition to the transfer authority provided in section 1001.

SEC. 305. CIVIL AIR PATROL.

(a) FUNDING.—Of the amounts authorized to be appropriated pursuant to this Act, $14,526,000 may be made available to the Civil Air Patrol Corporation.

(b) AMOUNT FOR SEARCH AND RESCUE OPERATIONS.—Of the amount made available pursuant to subsection (a), not more than 75 percent of such amount may be available for costs other than the costs of search and rescue missions.

SEC. 306. SR–71 CONTINGENCY RECONNAISSANCE FORCE.

Of the funds authorized to be appropriated by section 301(4), $30,000,000 is authorized to be made available for the SR–71 contingency reconnaissance force.

Subtitle B—Program Requirements, Restrictions, and Limitations

SEC. 311. FUNDING FOR SECOND AND THIRD MARITIME PREPOSITIONING SHIPS OUT OF NATIONAL DEFENSE SEALIFT FUND.

(a) NATIONAL DEFENSE SEALIFT FUND.—To the extent provided in appropriations Acts, funds in the National Defense Sealift Fund may be obligated and expended for the purchase and conversion, or construction, of a total of three ships for the purpose of enhancing Marine Corps prepositioning ship squadrons.

(b) AUTHORIZATION OF APPROPRIATIONS.—Of the amount authorized to be appropriated under section 302(2), $240,000,000 is authorized to be appropriated for the purpose stated in subsection (a).

SEC. 312. NATIONAL DEFENSE SEALIFT FUND.

Section 2218 of title 10, United States Code, is amended—

(1) in subsection (c)(1)(E), by striking out ‘‘, but only for vessels built in United States shipyards’’;

(2) in subsection (f)—

(A) in paragraph (1)—

(i) by striking out ‘‘five’’ and inserting in lieu thereof ‘‘ten’’; and

(ii) by striking out ‘‘(c)(1)’’ and inserting in lieu thereof ‘‘(c)(1)(A)’’; and

(B) in paragraph (2), by striking out ‘‘(c)(1)’’ and inserting in lieu thereof ‘‘(c)(1)(A)’’; and

(3) in subsection (j), by striking out ‘‘(c)(1)(A), (B), (C), and (D)’’ and inserting in lieu thereof ‘‘(c)(1) (A), (B), (C), (D), and (E)’’.

SEC. 313. NONLETHAL WEAPONS CAPABILITIES.

Of the amount authorized to be appropriated under section 301, $5,000,000 shall be available for the immediate procurement of nonlethal weapons capabilities to meet existing deficiencies in inventories of such capabilities, of which—

(1) $2,000,000 shall be available for the Army; and

(2) $3,000,000 shall be available for the Marine Corps.

SEC. 314. RESTRICTION ON COAST GUARD FUNDING.

No funds are authorized by this Act to be appropriated to the Department of Defense for the Coast Guard within budget subfunction 054.

SEC. 315. OCEANOGRAPHIC SHIP OPERATIONS AND DATA ANALYSIS.

(a) FUNDS AUTHORIZED.—Of the funds provided by section 301(2), an additional $6,200,000 may be authorized for the reduction, storage, modeling and conversion of oceanographic data for use by the Navy, consistent with Navy’s requirements.

(b) PURPOSE.—Such funds identified in subsection (a) shall be in addition to such amounts already provided for this purpose in the budget request.

Subtitle C—Depot-Level Activities

SEC. 321. DEPARTMENT OF DEFENSE PERFORMANCE OF CORE LOGISTICS FUNCTIONS.

Section 2464(a) of title 10, United States Code is amended by striking out paragraph (2) and inserting in lieu thereof the following:

‘‘(2) The Secretary of Defense shall maintain within the Department of Defense those logistics activities and capabilities that are necessary to provide the logistics capability described in paragraph (1). The logistics activities and capabilities maintained under this paragraph shall include all personnel, equipment, and facilities that are necessary to maintain and repair the weapon systems and other military equipment identified under paragraph (3).

‘‘(3) The Secretary of Defense, in consultation with the Joint Chiefs of Staff, shall identify the weapon systems and other military equipment that it is necessary to maintain and repair within the Department of Defense in order to maintain within the department the capability described in paragraph (1).

‘‘(4) The Secretary shall require that the core logistics functions identified pursuant to paragraph (3) be performed in Government-owned, Government-operated facilities of the Department of Defense by Department of Defense personnel using Department of Defense equipment.’’.

SEC. 322. INCREASE IN PERCENTAGE LIMITATION ON CONTRACTOR PERFORMANCE OF DEPOT-LEVEL MAINTENANCE AND REPAIR WORKLOADS.

(a) FIFTY PERCENT LIMITATION.—Section 2466(a) of title 10, United States Code, is amended by striking out ‘‘40 percent’’ in the first sentence and inserting in lieu thereof ‘‘50 percent’’.

(b) INCREASE DELAYED PENDING RECEIPT OF STRATEGIC PLAN FOR THE PERFORMANCE OF DEPOT-LEVEL MAINTENANCE AND REPAIR.—(1) Notwithstanding the first sentence of section 2466(a) of title 10, United States Code (as amended by subsection (a)), until the strategic plan for the performance of depot-level maintenance and repair is submitted under section 325, not more than 40 percent of the funds made available in a fiscal year to a military department or a Defense Agency for depot-level maintenance and repair workload may be used to contract for the performance by non-Federal Government personnel of such workload for the military department or the Defense Agency.

(2) In paragraph (1), the term ‘‘depot-level maintenance and repair workload’’ has the meaning given such term in section 2466(f) of title 10, United States Code.

SEC. 323. REPORT ON DEPOT-LEVEL MAINTENANCE AND REPAIR.

Subsection (e) of section 2466 of title 10, United States Code, is amended to read as follows:

‘‘(e) REPORT.—(1) Not later than February 1 of each year, the Secretary of Defense shall submit to Congress a report identifying, for each military department and Defense Agency—

‘‘(A) the percentage of the funds referred to in subsection (a) that were used during the preceding fiscal year for performance of depot-level maintenance and repair workloads by Federal Government personnel; and

‘‘(B) the percentage of the funds referred to in subsection (a) that were used during the preceding fiscal year to contract for the performance of depot-level maintenance and repair workloads by non-Federal Government personnel.

‘‘(2) Not later than 90 days after the date on which the Secretary submits the annual report under paragraph (1), the Comptroller General shall submit to the Committees on Armed Services and on Appropriations of the Senate and the Committees on National Security and on Appropriations of the House of Representatives the Comptroller’s views on whether the Department of Defense has complied with the requirements of subsection (a) for the fiscal year covered by the report.’’.

SEC. 324. DEPOT-LEVEL MAINTENANCE AND REPAIR WORKLOAD DEFINED.

Section 2466 of title 10, United States Code, is amended by adding at the end the following:

‘‘(f) DEPOT-LEVEL MAINTENANCE AND REPAIR WORKLOAD DEFINED.—In this section, the term ‘depot-level maintenance and repair workload’—

‘‘(1) means material maintenance requiring major overhaul or complete rebuilding of parts, assemblies, or subassemblies, and testing and reclamation of equipment as necessary, including all aspects of software maintenance;

‘‘(2) includes those portions of interim contractor support, contractor logistics support, or any similar contractor support for the performance of services described in paragraph (1); and

‘‘(3) does not include ship modernization and other repair activities that—

‘‘(A) are funded out of appropriations available to the Department of Defense for procurement; and

‘‘(B) were not considered to be depot-level maintenance and repair workload activities -

under regulations of the Department of Defense in effect on February 10, 1996.''.

SEC. 325. STRATEGIC PLAN RELATING TO DEPOT-LEVEL MAINTENANCE AND REPAIR.

(a) STRATEGIC PLAN REQUIRED.—(1) As soon as possible after the enactment of this Act, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a strategic plan for the performance of depot-level maintenance and repair.

(2) The strategic plan shall cover the performance of depot-level maintenance and repair for the Department of Defense in fiscal years 1998 through 2007. The plan shall provide for maintaining the capability described in section 2464 of title 10, United States Code.

(b) ADDITIONAL MATTERS COVERED.—The Secretary of Defense shall include in the strategic plan submitted under subsection (a) a detailed discussion of the following matters:

(1) For each military department, as determined after consultation with the Secretary of that military department and the Chairman of the Joint Chiefs of Staff, the depot-level maintenance and repair activities and workloads that are necessary to perform within the Department of Defense in order to maintain the core logistics capability required by section 2464 of title 10, United States Code.

(2) For each military department, as determined after consultation with the Secretary of that military department and the Chairman of the Joint Chiefs of Staff, the depot-level maintenance and repair activities and workloads that the Secretary of Defense plans to perform within the Department of Defense in order to satisfy the requirements of section 2466 of title 10, United States Code.

(3) For the activities identified pursuant to paragraphs (1) and (2), a discussion of which specific existing weapon systems or other existing equipment, and which specific planned weapon systems or other planned equipment, are weapon systems or equipment for which it is necessary to maintain a core depot-level maintenance and repair capability within the Department of Defense.

(4) The core capabilities, including sufficient skilled personnel, equipment, and facilities, that—

(A) are of sufficient size—

(i) to ensure a ready and controlled source of the technical competencies, and the maintenance and repair capabilities, that are necessary to meet the requirements of the national military strategy and other requirements for responding to mobilizations and military contingencies; and

(ii) to provide for rapid augmentation in time of emergency; and

(B) are assigned a sufficient workload to ensure cost efficiency and technical proficiency in peacetime.

(5) The environmental liability issues associated with any projected privatization of the performance of depot-level maintenance and repair, together with detailed projections of the cost to the United States of satisfying environmental liabilities associated with such privatized performance.

(6) Any significant issues and risks concerning exchange of technical data on depot-level maintenance and repair between the Federal Government and the private sector.

(7) Any deficiencies in Department of Defense financial systems that hinder effective evaluation of competitions (whether among private-sector sources or among depot-level activities owned and operated by the Department of Defense and private-sector sources), and merit-based selections (among depot-level activities owned and operated by the Department of Defense), for a depot-level maintenance and repair workload, together with plans to correct such deficiencies.

(9) The type of facility (whether a private sector facility or a Government owned and operated facility) in which depot-level maintenance and repair of any new weapon systems that will reach full scale development is to be performed.

(10) The workloads necessary to maintain Government owned and operated depots at 50 percent, 70 percent, and 85 percent of operating capacity.

(11) A plan for improving the productivity of the Government owned and operated depot maintenance and repair facilities, together with management plans for changing administrative and missions processes to achieve productivity gains, a discussion of any barriers to achieving desired productivity gains at the depots, and any necessary changes in civilian personnel policies that are necessary to improve productivity.

(12) The criteria used to make decisions on whether to convert to contractor performance of depot-level maintenance and repair, the officials responsible for making the decision to convert, and any depot-level maintenance and repair workloads that are proposed to be converted to contractor performance before the end of fiscal year 2001.

(13) A detailed analysis of savings proposed to be achieved by contracting for the performance of depot-level maintenance and repair workload by private sector sources, together with the report on the review of the analysis (and the assumptions underlying the analysis) provided for under subsection (c).

(c) INDEPENDENT REVIEW OF SAVINGS ANALYSIS.—The Secretary shall provide for a public accounting firm (independent of Department of Defense influence) to review the analysis referred to in subsection (b)(13) and the assumptions underlying the analysis for submission to the committees referred to in subsection (a) and to the Comptroller General.

(d) REVIEW BY COMPTROLLER GENERAL.—(1) At the same time that the Secretary of Defense transmits the strategic plan under subsection (a), the Secretary shall transmit a copy of the plan (including the report of the public accounting firm provided for under subsection (c)) to the Comptroller General of the United States and make available to the Comptroller General all information used by the Department of Defense in preparing the plan and analysis.

(2) Not later than 60 days after the date on which the Secretary submits the strategic plan required by subsection (a), the Comptroller General shall transmit to Congress a report containing a detailed analysis of the strategic plan.

(e) ADDITIONAL REPORTING REQUIREMENT FOR COMPTROLLER GENERAL.—Not later than February 1, 1997, the Comptroller General shall submit to the committees referred to in subsection (a) a report on the effectiveness of the oversight by the Department of Defense of the management of existing contracts with private sector sources of depot-level maintenance and repair of weapon systems, the adequacy of Department of Defense financial and information systems to support effective decisions to contract for private sector performance of depot-level maintenance and repair workloads that are being or have been performed by Government personnel, the status of reengineering efforts at depots owned and operated by the United States, and any overall management weaknesses within the Department of Defense that would hinder effective use of contracting for the performance of depot-level maintenance and repair.

SEC. 326. ANNUAL REPORT ON COMPETITIVE PROCEDURES.

(a) ANNUAL REPORT.—Section 2469 of title 10, United States Code, is amended by adding at the end the following:

''(d) ANNUAL REPORT.—Not later than March 31 of each year, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report describing the competitive procedures used during the preceding fiscal year for competitions referred to in subsection (a).''.

(b) FIRST REPORT.—The first report under subsection (d) of section 2469 of title 10, United States Code (as added by subsection (a)), shall be submitted not later than March 31, 1997.

SEC. 327. ANNUAL RISK ASSESSMENTS REGARDING PRIVATE PERFORMANCE OF DEPOT-LEVEL MAINTENANCE WORK.

(a) REPORTS.—Chapter 146 of title 10, United States Code, is amended by adding at the end the following:

''§ 2473. Reports on privatization of depot-level maintenance work

''(a) ANNUAL RISK ASSESSMENTS.—(1) Not later than January 1 of each year, the Joint Chiefs of Staff shall submit to the Secretary of Defense a report on the privatization of the performance of the various depot-level maintenance workloads of the Department of Defense.

''(2) The report shall include with respect to each depot-level maintenance workload the following:

''(A) An assessment of the risk to the readiness, sustainability, and technology of the Armed Forces in a full range of anticipated scenarios for peacetime and for wartime of—

''(i) using public entities to perform the workload;

''(ii) using private entities to perform the workload; and

''(iii) using a combination of public entities and private entities to perform the workload.

''(B) The recommendation of the Joint Chiefs as to whether public entities, private entities, or a combination of public entities and private entities could perform the workload without jeopardizing military readiness.

''(3) Not later than 30 days after receiving the report under paragraph (2)(B), the Secretary shall transmit the report to Congress. If the Secretary does not concur in the recommendation made by the Joint Chiefs pursuant to paragraph (2)(B), the Secretary shall include in the report under this paragraph—

''(A) the recommendation of the Secretary; and

''(B) a justification for the differences between the recommendation of the Joint Chiefs and the recommendation of the Secretary.

''(b) ANNUAL REPORT ON PROPOSED PRIVATIZATION.—(1) Not later than February 28 of each year, the Joint Chiefs of Staff shall submit to the Secretary of Defense a report on each depot-level maintenance workload of the Department of Defense that the Joint Chiefs believe could be converted to performance by private entities during the next fiscal year without jeopardizing military readiness.

''(2) Not later than 30 days after receiving a report under paragraph (1), the Secretary shall transmit the report to Congress. If the Secretary does not concur in the proposal of the Joint Chiefs in the report, the Secretary shall include in the report under this paragraph—

''(A) each depot-level maintenance workload of the Department that the Secretary proposes to be performed by private entities during the fiscal year concerned; and

''(B) a justification for the differences between the proposal of the Joint Chiefs and the proposal of the Secretary.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following:

''2473. Reports on privatization of depot-level maintenance work.''.

SEC. 328. EXTENSION OF AUTHORITY FOR NAVAL SHIPYARDS AND AVIATION DEPOTS TO ENGAGE IN DEFENSE-RELATED PRODUCTION AND SERVICES.

(a) EXTENSION OF AUTHORITY.—Section 1425(e) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510) is amended by striking out ''expires on September 30, 1995'' and inserting in lieu thereof ''may not be exercised after September 30, 1997''.

(b) REVIVAL OF EXPIRED AUTHORITY.—The authority provided in section 1425 of the National Defense Authorization Act for Fiscal Year 1991 may be exercised after September 30, 1995, subject to the limitation in subsection (e) of such section as amended by subsection (a) of this section.

SEC. 329. LIMITATION ON USE OF FUNDS FOR F–18 AIRCRAFT DEPOT MAINTENANCE.

Of the amounts authorized to be appropriated by section 301(2), not more than $5,000,000 may be used for the performance of depot maintenance on F–18 aircraft until 30 days after the date on which the Secretary of Defense submits to the congressional defense committees a report on aviation depot maintenance. The report shall contain the following:

(1) The results of a competition which the Secretary shall conduct between all Department of Defense aviation depots for selection for the performance of depot maintenance on F–18 aircraft.

(2) An analysis of the total cost of transferring the F–18 aircraft depot maintenance workload to an aviation depot not performing such workload as of the date of the enactment of this Act.

SEC. 330. DEPOT MAINTENANCE AND REPAIR AT FACILITIES CLOSED BY BRAC.

The Secretary may not contract for the performance by a private sector source of any of the depot maintenance workload performed as of the date of the enactment of this Act at Sacramento Air Logistics Center or the San Antonio Air Logistics Center until the Secretary—

(1) publishes criteria for the evaluation of bids and proposals to perform such workload;

(2) conducts a competition for the workload between public and private entities;

(3) pursuant to the competition, determines in accordance with the criteria published under paragraph (1) that an offer submitted by a private sector source to perform the workload is the best value for the United States; and

(4) submits to Congress the following—

(A) a detailed comparison of the cost of the performance of the workload by civilian employees of the Department of Defense with the cost of the performance of the workload by that source; and

(B) an analysis which demonstrates that the performance of the workload by that source will provide the best value for the United States over the life of the contract.

Subtitle D—Environmental Provisions

SEC. 341. ESTABLISHMENT OF SEPARATE ENVIRONMENTAL RESTORATION ACCOUNTS FOR EACH MILITARY DEPARTMENT.

(a) ESTABLISHMENT.—(1) Section 2703 of title 10, United States Code, is amended to read as follows:

''§ 2703. Environmental restoration accounts

''(a) ESTABLISHMENT OF ACCOUNTS.—There are hereby established in the Department of Defense the following accounts:

''(1) An account to be known as the 'Defense Environmental Restoration Account'.

''(2) An account to be known as the 'Army Environmental Restoration Account'.

''(3) An account to be known as the 'Navy Environmental Restoration Account'.

''(4) An account to be known as the 'Air Force Environmental Restoration Account'.

''(b) OBLIGATION OF AUTHORIZED AMOUNTS.—Funds authorized for deposit in an account under subsection (a) may be obligated or expended from the account only in order to carry out the environmental restoration functions of the Secretary of Defense and the Secretaries of the military departments under this chapter and under any other provision of law. Funds so authorized shall remain available until expended.

''(c) BUDGET REPORTS.—In proposing the budget for any fiscal year pursuant to section 1105 of title 31, the President shall set forth separately the amounts requested for environmental restoration programs of the Department of Defense and of each of the military departments under this chapter and under any other Act.

''(d) AMOUNTS RECOVERED.—The following amounts shall be credited to the appropriate environmental restoration account:

''(1) Amounts recovered under CERCLA for response actions.

''(2) Any other amounts recovered from a contractor, insurer, surety, or other person to reimburse the Department of Defense or a military department for any expenditure for environmental response activities.

''(e) PAYMENTS OF FINES AND PENALTIES.—None of the funds appropriated to the Defense Environmental Restoration Account for fiscal years 1995 through 1999, or to any environmental restoration account of a military department for fiscal years 1997 through 1999, may be used for the payment of a fine or penalty (including any supplemental environmental project carried out as part of such penalty) imposed against the Department of Defense or a military department unless the act or omission for which the fine or penalty is imposed arises out of an activity funded by the environmental restoration account concerned and the payment of the fine or penalty has been specifically authorized by law.''.

(2) The table of sections at the beginning of chapter 160 of title 10, United States Code, is amended by striking out the item relating to section 2703 and inserting in lieu thereof the following new item:

''2703. Environmental restoration accounts.''.

(b) REFERENCES.—Any reference to the Defense Environmental Restoration Account in any Federal law, Executive Order, regulation, delegation of authority, or document of or pertaining to the Department of Defense shall be deemed to refer to the appropriate environmental restoration account established under section 2703(a)(1) of title 10, United States Code (as amended by subsection (a)(1)).

(c) CONFORMING AMENDMENT.—Section 2705(g)(1) of title 10, United States Code, is amended by striking out ''the Defense Environmental Restoration Account'' and inserting in lieu thereof ''the environmental restoration account concerned''.

(d) TREATMENT OF UNOBLIGATED BALANCES.—Any unobligated balances that remain in the Defense Environmental Restoration Account under section 2703(a) of title 10, United States Code, as of the effective date specified in subsection (e) shall be transferred on such date to the Defense Environmental Restoration Account established under section 2703(a)(1) of title 10, United States Code (as amended by subsection (a)(1)).

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on the later of—

(1) October 1, 1996; or

(2) the date of the enactment of this Act.

SEC. 342. DEFENSE CONTRACTORS COVERED BY REQUIREMENT FOR REPORTS ON CONTRACTOR REIMBURSEMENT COSTS FOR RESPONSE ACTIONS.

Section 2706(d)(1)(A) of title 10, United States Code, is amended by striking out ''100'' and inserting in lieu thereof ''20''.

SEC. 343. REPEAL OF REDUNDANT NOTIFICATION AND CONSULTATION REQUIREMENTS REGARDING REMEDIAL INVESTIGATIONS AND FEASIBILITY STUDIES AT CERTAIN INSTALLATIONS TO BE CLOSED UNDER THE BASE CLOSURE LAWS.

Section 334 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1340; 10 U.S.C. 2687 note) is repealed.

SEC. 344. PAYMENT OF CERTAIN STIPULATED CIVIL PENALTIES.

(a) AUTHORITY.—The Secretary of Defense may pay to the Hazardous Substance Superfund established under section 9507 of the Internal Revenue Code of 1986 (26 U.S.C. 9507) stipulated civil penalties assessed under CERCLA in amounts, and using funds, as follows:

(1) Using funds authorized to be appropriated to the Army Environmental Restoration Account established under section 2703(a)(1)(B) of title 10, United States Code, as amended by section 341 of this Act, $34,000 assessed against Fort Riley, Kansas, under CERCLA.

(2) Using funds authorized to be appropriated to the Navy Environmental Restoration Account established under section 2703(a)(1)(C) of that title, as so amended, $30,000 assessed against the Naval Education and Training Center, Newport, Rhode Island, under CERCLA.

(3) Using funds authorized to be appropriated to the Air Force Environmental Restoration Account established under section 2703(a)(1)(D) of that title, as so amended—

(A) $550,000 assessed against the Massachusetts Military Reservation, Massachusetts, under CERCLA, of which $500,000 shall be for the supplemental environmental project for a groundwater modeling project that constitutes a part of the negotiated settlement of a penalty against the reservation; and

(B) $10,000 assessed against F.E. Warren Air Force Base, Wyoming, under CERCLA.

(4) Using funds authorized to be appropriated to the Department of Defense Base Closure Account 1990 by section 2406(a)(13) of this Act, $50,000 assessed against Loring Air Force Base, Maine, under CERCLA.

(b) CERCLA DEFINED.—In this section, the term ''CERCLA'' means the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

SEC. 345. AUTHORITY TO WITHHOLD LISTING OF FEDERAL FACILITIES ON NATIONAL PRIORITIES LIST.

Section 120(d) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(d)) is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(2) by striking ''Not later than 18 months after the enactment of the Superfund Amendments and Reauthorization Act of 1986, the Administrator'' and inserting the following:

''(1) IN GENERAL.—The Administrator''; and

(3) by striking ''Such criteria'' and all that follows through the end of the subsection and inserting the following:

''(2) APPLICATION OF CRITERIA.—

''(A) IN GENERAL.—Subject to subparagraph (B), the criteria referred to in paragraph (1) shall be applied in the same manner as the criteria are applied to facilities that are

owned or operated by persons other than the United States.

''(B) RESPONSE UNDER OTHER LAW.—That the head of the department, agency, or instrumentality that owns or operates a facility has arranged with the Administrator or appropriate State authorities to respond appropriately, under authority of a law other than this Act, to a release or threatened release of a hazardous substance shall be an appropriate factor to be taken into consideration for the purposes of section 105(a)(8)(A).

''(3) COMPLETION.—Evaluation and listing under this subsection shall be completed in accordance with a reasonable schedule established by the Administrator.''.

SEC. 346. AUTHORITY TO TRANSFER CONTAMINATED FEDERAL PROPERTY BEFORE COMPLETION OF REQUIRED REMEDIAL ACTIONS.

(a) IN GENERAL.—Section 120(h)(3) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)(3)) is amended—

(1) by redesignating subparagraph (A) as clause (i) and clauses (i), (ii), and (iii) of that subparagraph as subclauses (I), (II), and (III), respectively;

(2) by striking ''After the last day'' and inserting the following:

''(A) IN GENERAL.—After the last day'';

(3) by redesignating subparagraph (B) as clause (ii) and clauses (i) and (ii) of that subparagraph as subclauses (I) and (II), respectively;

(4) by redesignating subparagraph (C) as clause (iii);

(5) by striking ''For purposes of subparagraph (B)(i)'' and inserting the following:

''(B) COVENANT REQUIREMENTS.—For purposes of subparagraphs (A)(ii)(I) and (C)(iii)'';

(6) in subparagraph (B), as designated by paragraph (5), by striking ''subparagraph (B)'' each place it appears and inserting ''subparagraph (A)(ii)''; and

(7) by adding at the end the following:

''(C) DEFERRAL.—

''(i) IN GENERAL.—The Administrator (in the case of real property at a Federal facility that is listed on the National Priorities List) or the Governor of the State in which the facility is located (in the case of real property at a Federal facility not listed on the National Priorities List) may defer the requirement of subparagraph (A)(ii)(I) with respect to the property if the Administrator or the Governor, as the case may be, determines that—

''(I) the property is suitable for transfer for the use intended by the transferee;

''(II) the deed or other agreement proposed to govern the transfer between the United States and the transferee of the property contains the assurances set forth in clause (ii); and

''(III) the Federal agency requesting deferral has provided notice, by publication in a newspaper of general circulation in the vicinity of the property, of the proposed transfer and of the opportunity for the public to submit, within a period of not less than 30 days after the date of the notice, written comments on the finding by the agency that the property is suitable for transfer.

''(ii) REMEDIAL ACTION ASSURANCES.—With regard to a release or threatened release of a hazardous substance for which a Federal agency is potentially responsible under this section, the deed or other agreement proposed to govern the transfer shall contain assurances that—

''(I) provide for any necessary restrictions to ensure the protection of human health and the environment;

''(II) provide that there will be restrictions on use necessary to ensure required remedial investigations, remedial actions, and oversight activities will not be disrupted;

''(III) provide that all appropriate remedial action will be taken and identify the schedules for investigation and completion of all necessary remedial action; and

''(IV) provide that the Federal agency responsible for the property subject to transfer will submit a budget request to the Director of the Office of Management and Budget that adequately addresses schedules, subject to congressional authorizations and appropriations.

''(iii) WARRANTY.—When all remedial action necessary to protect human health and the environment with respect to any substance remaining on the property on the date of transfer has been taken, the United States shall execute and deliver to the transferee an appropriate document containing a warranty that all such remedial action has been completed, and the making of the warranty shall be considered to satisfy the requirement of subparagraph (A)(ii)(I).

''(iv) FEDERAL RESPONSIBILITY.—A deferral under this subparagraph shall not increase, diminish, or affect in any manner any rights or obligations of a Federal agency with respect to a property transferred under this subparagraph.''.

(b) CONTINUED APPLICATION OF STATE LAW.—The first sentence of section 120(a)(4) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(a)(4)) is amended by inserting ''or facilities that are the subject of a deferral under subsection (h)(3)(C)'' after ''United States''.

SEC. 347. CLARIFICATION OF MEANING OF UNCONTAMINATED PROPERTY FOR PURPOSES OF TRANSFER BY THE UNITED STATES.

Section 120(h)(4)(A) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)(4)(A)) is amended in the first sentence by striking ''stored for one year or more, known to have been released,'' and inserting ''known to have been released''.

SEC. 348. SHIPBOARD SOLID WASTE CONTROL.

(a) IN GENERAL.—Section 3(c) of the Act to Prevent Pollution from Ships (33 U.S.C. 1902(c)) is amended—

(1) in paragraph (1), by striking ''Not later than'' and inserting ''Except as provided in paragraphs (2) and (3), not later than''; and

(2) by striking paragraphs (2), (3), and (4) and inserting the following:

''(2)(A) Subject to subparagraph (B), any ship described in subparagraph (C) may discharge, without regard to the special area requirements of Regulation 5 of Annex V to the Convention, the following non-plastic, non-floating garbage:

''(i) A slurry of seawater, paper, cardboard, or food waste that is capable of passing through a screen with openings no larger than 12 millimeters in diameter.

''(ii) Metal and glass that have been shredded and bagged so as to ensure negative buoyancy.

''(B)(i) Garbage described subparagraph (A)(i) may not be discharged within 3 nautical miles of land.

''(ii) Garbage described in subparagraph (A)(ii) may not be discharged within 12 nautical miles of land.

''(C) This paragraph applies to any ship that is owned or operated by the Department of the Navy that, as determined by the Secretary of the Navy—

''(i) has unique military design, construction, manning, or operating requirements; and

''(ii) cannot fully comply with the special area requirements of Regulation 5 of Annex V to the Convention because compliance is not technologically feasible or would impair the operations or operational capability of the ship.

''(3)(A) Not later than December 31, 2000, the Secretary of the Navy shall prescribe and publish in the Federal Register standards to ensure that each ship described in subparagraph (B) is, to the maximum extent practicable without impairing the operations or operational capabilities of the ship, operated in a manner that is consistent with the special area requirements of Regulation 5 of Annex V to the Convention.

''(B) Subparagraph (A) applies to surface ships that are owned or operated by the Department of the Navy that the Secretary plans to decommission during the period beginning on January 1, 2001, and ending on December 31, 2005.

''(C) At the same time that the Secretary publishes standards under subparagraph (A), the Secretary shall publish in the Federal Register a list of the ships covered by subparagraph (B).''.

(b) SENSE OF CONGRESS.—

(1) COMPLIANCE WITH ANNEX V.—It is the sense of Congress that it should be an objective of the Navy to achieve full compliance with Annex V to the Convention as part of the Navy's development of ships that are environmentally sound.

(2) DEFINITION.—In this subsection, the terms ''Convention'' and ''ship'' have the meanings provided in section 2(a) of the Act to Prevent Pollution from Ships (33 U.S.C. 1901(a)).

(c) REPORT ON COMPLIANCE WITH ANNEX V TO THE CONVENTION.—The Secretary of Defense shall include in each report on environmental compliance activities submitted to Congress under section 2706(b) of title 10, United States Code, the following information:

(1) A list of the ships types, if any, for which the Secretary of the Navy has made the determination referred to in paragraph (2)(C) of section 3(c) of the Act to Prevent Pollution from Ships, as amended by subsection (a)(2) of this section.

(2) A list of ship types which the Secretary of the Navy has determined can comply with Regulation 5 of Annex V to the Convention.

(3) A summary of the progress made by the Navy in implementing the requirements of paragraphs (2) and (3) such section 3(c), as so amended.

(4) A description of any emerging technologies offering the potential to achieve full compliance with Regulation 5 of Annex V to the Convention.

(d) PUBLICATION REGARDING SPECIAL AREA DISCHARGES.—Section 3(e)(4) of the Act to Prevent Pollution from Ships (33 U.S.C. 1902(e)(4)) is amended by striking out subparagraph (A) and inserting in lieu thereof the following:

''(A) The amount and nature of the discharges in special areas, not otherwise authorized under this title, during the preceding year from ships referred to in subsection (b)(1)(A) of this section owned or operated by the Department of the Navy.''.

SEC. 349. COOPERATIVE AGREEMENTS FOR THE MANAGEMENT OF CULTURAL RESOURCES ON MILITARY INSTALLATIONS.

(a) AUTHORITY TO ENTER INTO AGREEMENTS.—Chapter 159 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2694. Cooperative agreements for management of cultural resources on military installations

''(a) AUTHORITY TO ENTER INTO AGREEMENTS.—The Secretary of Defense and the Secretaries of the military departments may enter into cooperative agreements with States, local governments, and appropriate public and private entities in order to provide for the preservation, management,

maintenance, and rehabilitation of cultural resources on military installations.

''(b) INAPPLICABILITY OF CERTAIN FEDERAL FINANCIAL MANAGEMENT LAWS.—A cooperative agreement under subsection (a) shall not be treated as a cooperative agreement for purposes of chapter 63 of title 31.

''(c) LIMITATION ON AUTHORITY TO CARRY OUT AGREEMENTS.—The authority of the Secretary of Defense or the Secretary of a military department to carry out an agreement entered into under subsection (a) shall be subject to the availability of funds for that purpose.

''(d) DEFINITION.—For purposes of this section, the term 'cultural resource' means any of the following:

''(1) A building, structure, site, district, or object eligible for or included in the National Register of Historic Places maintained under section 101(a) of the National Historic Preservation Act (16 U.S.C. 470a(a)).

''(2) A cultural item as that term is defined in section 2(3) of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001(3)).

''(3) An archaeological resource as that term is defined in section 3(1) of the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470bb(1)).

''(4) An archaeological artifact collection and associated records covered by section 79 of title 36, Code of Federal Regulations.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''2694. Cooperative agreements for management of cultural resources on military installations.''.

SEC. 350. REPORT ON WITHDRAWAL OF PUBLIC LANDS AT EL CENTRO NAVAL AIR FACILITY, CALIFORNIA.

(a) REPORT.—Not later than March 15, 1997, the Secretary of Defense, acting through the Deputy Under Secretary of Defense for Environmental Security, shall submit to the congressional defense committees a report that assesses the effects of the proposed withdrawal of public lands at El Centro Naval Air Facility, California, on the operational and training requirements of the Department of Defense at that facility.

(b) REPORT ELEMENTS.—The report under subsection (a) shall—

(1) describe in detail the operational and training requirements of the Department of Defense at El Centro Naval Air Facility;

(2) assess the effects of the proposed withdrawal on such operational and training requirements;

(3) describe the relationship, if any, of the proposed withdrawal to the withdrawal of other public lands under the California Desert Protection Act of 1994 (Public Law 103–433);

(4) assess the additional responsibilities, if any, of the Navy for land management at the facility as a result of the proposed withdrawal; and

(5) assess the costs, if any, to the Navy resulting from the proposed withdrawal.

SEC. 351. USE OF HUNTING AND FISHING PERMIT FEES COLLECTED AT CLOSED MILITARY RESERVATIONS.

Subparagraph (B) of section 101(b)(4) of the Act of September 15, 1960 (commonly known as the ''Sikes Act''; 16 U.S.C. 670a(b)(4)), is amended to read as follows:

''(B) the fees collected under this paragraph—

''(i) shall be expended at the military reservation with respect to which collected; or

''(ii) if collected with respect to a military reservation that is closed, shall be available for expenditure at any other military reservation for purposes of the protection, conservation, and management of fish and wildlife at such reservation.''.

SEC. 352. AUTHORITY FOR AGREEMENTS WITH INDIAN TRIBES FOR SERVICES UNDER ENVIRONMENTAL RESTORATION PROGRAM.

Section 2701(d) of title 10, United States Code, is amended—

(1) in the first sentence of paragraph (1), by striking out '', or with any State or local government agency,'' and inserting in lieu thereof '', with any State or local government agency, or with any Indian tribe,''; and

(2) by adding at the end the following:

''(3) DEFINITION.—In this subsection, the term 'Indian tribe' has the meaning given such term in section 101(36) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601(36)).''.

Subtitle E—Other Matters

SEC. 361. FIREFIGHTING AND SECURITY-GUARD FUNCTIONS AT FACILITIES LEASED BY THE GOVERNMENT.

Section 2465(b) of title 10, United States Code, is amended—

(1) by striking out ''or'' at the end of paragraph (2);

(2) by striking out the period at the end of paragraph (3) and inserting in lieu thereof ''; or''; and

(3) by adding at the end the following:

''(4) to a contract to be carried out at a private facility at which a Federal Government activity is located pursuant to a lease of the facility to the Government.''.

SEC. 362. AUTHORIZED USE OF RECRUITING FUNDS.

(a) AUTHORITY.—Chapter 31 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 520c. Authorized use of recruiting funds

''(a) MEALS AND REFRESHMENTS.—Under regulations prescribed by the Secretary concerned, funds appropriated to the Department of Defense for recruitment of military personnel may be expended for small meals and refreshments that are provided in the performance of personnel recruiting functions of the armed forces to—

''(1) persons who have enlisted under the Delayed Entry Program authorized by section 513 of this title;

''(2) persons who are objects of armed forces recruiting efforts;

''(3) influential persons in communities when assisting the military departments in recruiting efforts;

''(4) members of the armed forces and Federal Government employees when attending recruiting events in accordance with a requirement to do so; and

''(5) other persons when contributing to recruiting efforts by attending recruiting events.

''(b) ANNUAL REPORT.—Not later than February 1 of each year, the Secretary of Defense shall submit to Congress a report on the extent to which the authority under subsection (a) was exercised during the fiscal year ending in the preceding year.

''(c) TERMINATION OF AUTHORITY.—(1) The authority in subsection (a) may not be exercised after September 30, 2001.

''(2) No report is required under subsection (b) after 2002.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''520c. Authorized use of recruiting funds.''.

SEC. 363. NONCOMPETITIVE PROCUREMENT OF BRAND-NAME COMMERCIAL ITEMS FOR RESALE IN COMMISSARY STORES.

(a) CLARIFICATION OF EXCEPTION TO COMPETITIVE PROCUREMENT.—Section 2486 of title 10, United States Code, is amended by adding at the end the following:

''(e) The Secretary of Defense may not, under the exception provided in section 2304(c)(5) of this title, use procedures other than competitive procedures for the procurement of a brand-name commercial item for resale in commissary stores unless the commercial item is regularly sold outside of commissary stores under the same brand name as the commercial item will be sold in commissary stores.''.

(b) EFFECT ON EXISTING CONTRACTS.—The amendment made by subsection (a) shall not affect the terms, conditions, or duration of any contract entered into by the Secretary of Defense before the date of the enactment of this Act for the procurement of commercial items for resale in commissary stores.

SEC. 364. ADMINISTRATION OF MIDSHIPMEN'S STORE AND OTHER NAVAL ACADEMY SUPPORT ACTIVITIES AS NONAPPROPRIATED FUND INSTRUMENTALITIES.

(a) IN GENERAL.—(1) Chapter 603 of title 10, United States Code, is amended by striking out sections 6970 and 6971 and inserting in lieu thereof the following new section:

''§ 6970. Midshipmen's store and Naval Academy shops, laundry, and dairy: nonappropriated fund accounts

''(a) IN GENERAL.—Under regulations prescribed by the Secretary of the Navy, the Superintendent of the Naval Academy shall administer a nonappropriated fund account for each of the Academy activities referred to in subsection (b).

''(b) ACTIVITIES.—Subsection (a) applies to the following Academy activities:

''(1) The midshipmen's store.

''(2) The barber shop.

''(3) The cobbler shop.

''(4) The tailor shop.

''(5) The dairy.

''(6) The laundry.

''(c) CREDITING OF REVENUE.—The Superintendent shall credit to each account administered with respect to an activity under subsection (a) all revenue received from the activity.''.

(2) The table of sections at the beginning of such chapter is amended by striking out the items relating to sections 6970 and 6971 and inserting in lieu thereof the following new item:

''6970. Midshipmen's store and Naval Academy shops, laundry, and dairy: nonappropriated fund accounts.''.

(b) EMPLOYMENT STATUS OF EMPLOYEES OF ACTIVITIES.—Section 2105 of title 5, United States Code, is amended by striking out subsection (b).

SEC. 365. ASSISTANCE TO COMMITTEES INVOLVED IN INAUGURATION OF THE PRESIDENT.

(a) IN GENERAL.—Section 2543 of title 10, United States Code, is amended to read to read as follows:

''§ 2543. Equipment and services: Presidential inaugural committees

''(a) ASSISTANCE AUTHORIZED.—The Secretary of Defense may provide the assistance referred to in subsection (b) to the following committees:

''(1) An Inaugural Committee established under the first section of the Presidential Inaugural Ceremonies Act (36 U.S.C. 721).

''(2) A joint committee of the Senate and House of Representatives appointed under section 9 of that Act (36 U.S.C. 729).

''(b) ASSISTANCE.—The following assistance may be provided under subsection (a):

''(1) Planning and carrying out activities relating to security and safety.

''(2) Planning and carrying out ceremonial activities.

''(3) Loan of property.

''(4) Any other assistance that the Secretary considers appropriate.

''(c) REIMBURSEMENT.—(1) An inaugural committee referred to in subsection (a)(1) shall reimburse the Secretary for any costs incurred in connection with the provision to the committee of assistance referred to in subsection (b)(4).

''(2) Costs reimbursed under paragraph (1) shall be credited to the appropriations from which the costs were paid. The amount credited to an appropriation shall be proportionate to the amount of the costs charged to that appropriation.

''(d) LOANED PROPERTY.—(1) Property loaned for a presidential inauguration under subsection (b)(3) shall be returned within nine days after the date of the ceremony inaugurating the President.

''(2) An inaugural committee referred to in subsection (a)(1) shall give good and sufficient bond for the return in good order and condition of property loaned to the committee under subsection (b)(3).

''(3) An inaugural committee referred to in subsection (a)(1) shall—

''(A) indemnify the United States for any loss of, or damage to, property loaned to the committee under subsection (b)(3); and

''(B) defray any expense incurred for the delivery, return, rehabilitation, replacement, or operation of the property.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter II of chapter 152 of such title is amended by striking out the item relating to section 2543 and inserting in lieu thereof the following:

''2543. Equipment and services: Presidential inaugural committees.''.

SEC. 366. DEPARTMENT OF DEFENSE SUPPORT FOR SPORTING EVENTS.

(a) SECURITY AND SAFETY ASSISTANCE.—At the request of a Federal, State, or local government agency responsible for providing law enforcement services, security services, or safety services, the Secretary of Defense may authorize the commander of a military installation or other facility of the Department of Defense or the commander of a specified or unified combatant command to provide assistance for the World Cup Soccer Games, the Goodwill Games, the Olympics, and any other civilian sporting event in support of essential security and safety at such event, but only if the Attorney General certifies that such assistance is necessary to meet essential security and safety needs.

(b) OTHER ASSISTANCE.—The Secretary may authorize a commander referred to in subsection (a) to provide assistance for a sporting event referred to in that subsection in support of other needs relating to such event, but only—

(1) to the extent that such needs cannot reasonably be met by a source other than the Department;

(2) to the extent that the provision of such assistance does not adversely affect the military preparedness of the Armed Forces; and

(3) if the organization requesting such assistance agrees to reimburse the Department for amounts expended by the Department in providing the assistance in accordance with the provisions of section 377 of title 10, United States Code, and other applicable provisions of law.

(c) INAPPLICABILITY TO CERTAIN EVENTS.—Subsections (a) and (b) do not apply to the following sporting events:

(1) Sporting events for which funds have been appropriated before the date of the enactment of this Act.

(2) The Special Olympics.

(3) The Paralympics.

(d) TERMS AND CONDITIONS.—The Secretary may require such terms and conditions in connection with the provision of assistance under this section as the Secretary considers necessary and appropriate to protect the interests of the United States.

(e) REPORT ON ASSISTANCE.—Not later than January 30 of each year following a year in which the Secretary provides assistance under this section, the Secretary shall submit to the congressional defense committees a report on the assistance provided. The report shall set forth—

(1) a description of the assistance provided;

(2) the amount expended by the Department in providing the assistance;

(3) if the assistance was provided under subsection (a), the certification of the Attorney General with respect to the assistance under that subsection; and

(4) if the assistance was provided under subsection (b)—

(A) an explanation why the assistance could not reasonably be met by a source other than the Department; and

(B) the amount the Department was reimbursed under that subsection.

(f) RELATIONSHIP TO OTHER LAWS.—Assistance provided under this section shall be subject to the provisions of sections 375 and 376 of title 10, United States Code.

SEC. 367. RENOVATION OF BUILDING FOR DEFENSE FINANCE AND ACCOUNTING SERVICE CENTER, FORT BENJAMIN HARRISON, INDIANA.

(a) TRANSFER AUTHORITY.—Subject to subsection (b), the Secretary of Defense may transfer funds available to the Department of Defense for the Defense Finance and Accounting Service for a fiscal year for operation and maintenance to the Administrator of General Services for paying the costs of planning, design, and renovation of Building One, Fort Benjamin Harrison, Indiana, for use as a Defense Finance and Accounting Service Center.

(b) AUTHORITY SUBJECT TO AUTHORIZATIONS AND APPROPRIATIONS.—To the extent provided in appropriations Acts—

(1) of funds appropriated for fiscal year 1997, $9,000,000 may be transferred pursuant to subsection (a); and

(2) of funds appropriated for fiscal years 1998, 1999, 2000, and 2001, funds may be transferred pursuant to subsection (a) in such amounts as are authorized to be transferred in an Act enacted after the date of the enactment of this Act.

SEC. 368. COMPUTER EMERGENCY RESPONSE TEAM AT SOFTWARE ENGINEERING INSTITUTE.

(a) FUNDING.—Of the amounts authorized to be appropriated under this Act, $2,000,000 shall be available to the Software Engineering Institute only for use by the Computer Emergency Response Team.

(b) CHALLENGE ATHENA PROGRAM.—Funds authorized by section 301(2) for the Challenge Athena program shall be reduced by $2,000,000.

SEC. 369. REIMBURSEMENT UNDER AGREEMENT FOR INSTRUCTION OF CIVILIAN STUDENTS AT FOREIGN LANGUAGE INSTITUTE OF THE DEFENSE LANGUAGE INSTITUTE.

Section 559(a)(1) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2776; 10 U.S.C. 4411 note) is amended by striking out ''on a cost-reimbursable, space-available basis'' and inserting in lieu thereof ''on a space-available basis and for such reimbursement (whether in whole or in part) as the Secretary considers appropriate''.

SEC. 370. AUTHORITY OF AIR NATIONAL GUARD TO PROVIDE CERTAIN SERVICES AT LINCOLN MUNICIPAL AIRPORT, LINCOLN, NEBRASKA.

(a) AUTHORITY.—Subject to subsections (b) and (c), the Nebraska Air National Guard may provide fire protection services and rescue services relating to aircraft at Lincoln Municipal Airport, Lincoln, Nebraska, on behalf of the Lincoln Municipal Airport Authority, Lincoln, Nebraska.

(b) AGREEMENT.—The Nebraska Air National Guard may not provide services under subsection (a) until the Nebraska Air National Guard and the authority enter into an agreement under which the authority reimburses the Nebraska Air National Guard for the cost of the services provided.

(c) CONDITIONS.—These services may only be provided to the extent that the provision of such services does not adversely affect the military preparedness of the Armed Forces.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

SEC. 401. END STRENGTHS FOR ACTIVE FORCES.

The Armed Forces are authorized strengths for active duty personnel as of September 30, 1997, as follows:

(1) The Army, 495,000, of which not more than 80,300 may be commissioned officers.

(2) The Navy, 407,318, of which not more than 56,165 may be commissioned officers.

(3) The Marine Corps, 174,000, of which not more than 17,978 may be commissioned officers.

(4) The Air Force, 381,222, of which not more than 74,445 may be commissioned officers.

SEC. 402. TEMPORARY FLEXIBILITY RELATING TO PERMANENT END STRENGTH LEVELS.

Section 691(d) of title 10, United States Code, is amended by striking out ''not more than 0.5 percent'' and inserting in lieu thereof ''not more than 5 percent''.

SEC. 403. AUTHORIZED STRENGTHS FOR COMMISSIONED OFFICERS IN GRADES O–4, O–5, AND O–6.

(a) ARMY, AIR FORCE, AND MARINE CORPS.—The table in section 523(a)(1) of title 10, United States Code, is amended to read as follows:

''Total number of commissioned officers (excluding officers in categories specified in subsection (b)) on active duty:	Number of officers who may be serving on active duty in the grade of:		
	Major	Lieutenant Colonel	Colonel
Army:			
20,000	6,848	5,253	1,613
25,000	7,539	5,642	1,796
30,000	8,231	6,030	1,980
35,000	8,922	6,419	2,163
40,000	9,614	6,807	2,347
45,000	10,305	7,196	2,530
50,000	10,997	7,584	2,713
55,000	11,688	7,973	2,897
60,000	12,380	8,361	3,080
65,000	13,071	8,750	3,264
70,000	13,763	9,138	3,447
75,000	14,454	9,527	3,631
80,000	15,146	9,915	3,814
85,000	15,837	10,304	3,997
90,000	16,529	10,692	4,181
95,000	17,220	11,081	4,364
100,000	17,912	11,469	4,548
110,000	19,295	12,246	4,915
120,000	20,678	13,023	5,281
130,000	22,061	13,800	5,648
170,000	27,593	16,908	7,116
Air Force:			
35,000	9,216	7,090	2,125
40,000	10,025	7,478	2,306
45,000	10,835	7,866	2,487
50,000	11,645	8,253	2,668
55,000	12,454	8,641	2,849
60,000	13,264	9,029	3,030
65,000	14,073	9,417	3,211
70,000	14,883	9,805	3,392
75,000	15,693	10,193	3,573
80,000	16,502	10,582	3,754

"Total number of commissioned officers (excluding officers in categories specified in subsection (b)) on active duty:	Number of officers who may be serving on active duty in the grade of:		
	Major	Lieutenant Colonel	Colonel
85,000	17,312	10,971	3,935
90,000	18,121	11,360	4,115
95,000	18,931	11,749	4,296
100,000	19,741	12,138	4,477
105,000	20,550	12,527	4,658
110,000	21,360	12,915	4,838
115,000	22,169	13,304	5,019
120,000	22,979	13,692	5,200
125,000	23,789	14,081	5,381
Marine Corps:			
10,000	2,525	1,480	571
12,500	2,900	1,600	592
15,000	3,275	1,720	613
17,500	3,650	1,840	633
20,000	4,025	1,960	654
22,500	4,400	2,080	675
25,000	4,775	2,200	695".

(b) NAVY.—The table in section 523(a)(2) of title 10, United States Code, is amended to read as follows:

"Total number of commissioned officers (excluding officers in categories specified in subsection (b)) on active duty:	Number of officers who may be serving on active duty in grade of:		
	Lieutenant Commander	Commander	Captain
Navy:			
30,000	7,331	5,018	2,116
33,000	7,799	5,239	2,223
36,000	8,267	5,460	2,330
39,000	8,735	5,681	2,437
42,000	9,203	5,902	2,544
45,000	9,671	6,123	2,651
48,000	10,139	6,343	2,758
51,000	10,606	6,561	2,864
54,000	11,074	6,782	2,971
57,000	11,541	7,002	3,078
60,000	12,009	7,222	3,185
63,000	12,476	7,441	3,292
66,000	12,944	7,661	3,398
70,000	13,567	7,954	3,541
90,000	16,683	9,419	4,254".

(c) REPEAL OF TEMPORARY AUTHORITY FOR VARIATIONS IN END STRENGTHS.—The following provisions of law are repealed:

(1) Section 402 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1639; 10 U.S.C. 523 note).

(2) Section 402 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2743; 10 U.S.C. 523 note).

(3) Section 402 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 286; 10 U.S.C. 523 note).

(d) EFFECTIVE DATE.—The amendments made by subsections (a), (b), and (c) shall take effect on September 1, 1997.

SEC. 404. EXTENSION OF REQUIREMENT FOR RECOMMENDATIONS REGARDING APPOINTMENTS TO JOINT 4-STAR OFFICER POSITIONS.

Section 604(c) of title 10, United States Code, is amended by striking out "September 30, 1997" and inserting in lieu thereof "September 30, 2000".

SEC. 405. INCREASE IN AUTHORIZED NUMBER OF GENERAL OFFICERS ON ACTIVE DUTY IN THE MARINE CORPS.

Section 526(a)(4) of title 10, United States Code, is amended by striking out "68" and inserting in lieu thereof "80".

Subtitle B—Reserve Forces

SEC. 411. END STRENGTHS FOR SELECTED RESERVE.

(a) IN GENERAL.—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 1997, as follows:

(1) The Army National Guard of the United States, 366,758.

(2) The Army Reserve, 214,925.

(3) The Naval Reserve, 96,304.

(4) The Marine Corps Reserve, 42,000.

(5) The Air National Guard of the United States, 108,904.

(6) The Air Force Reserve, 73,281.

(7) The Coast Guard Reserve, 8,000.

(b) WAIVER AUTHORITY.—The Secretary of Defense may vary the end strength authorized by subsection (a) by not more than 2 percent.

(c) ADJUSTMENTS.—The end strengths prescribed by subsection (a) for the Selected Reserve of any reserve component for a fiscal year shall be proportionately reduced by—

(1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at the end of the fiscal year, and

(2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at the end of the fiscal year.

Whenever such units or such individual members are released from active duty during any fiscal year, the end strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be proportionately increased by the total authorized strengths of such units and by the total number of such individual members.

SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.

Within the end strengths prescribed in section 411(a), the reserve components of the Armed Forces are authorized, as of September 30, 1997, the following number of Reserves to be serving on full-time active duty or full-time duty, in the case of members of the National Guard, for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

(1) The Army National Guard of the United States, 22,798.

(2) The Army Reserve, 11,475.

(3) The Naval Reserve, 16,603.

(4) The Marine Corps Reserve, 2,559.

(5) The Air National Guard of the United States, 10,403.

(6) The Air Force Reserve, 655.

SEC. 413. PERSONNEL MANAGEMENT RELATING TO ASSIGNMENT TO SERVICE IN THE SELECTIVE SERVICE SYSTEM.

Section 10 of the Military Selective Service Act (50 U.S.C. App. 460) is amended—

(1) in subsection (b)(2), by inserting ", subject to subsection (e)," after "to employ such number of civilians, and"; and

(2) by inserting after subsection (d) the following:

"(e)(1) The number of armed forces personnel assigned to the Selective Service System under subsection (b)(2) may not exceed 745, except in a time of war declared by Congress or national emergency declared by Congress or the President.

"(2) Members of the Selected Reserve assigned to the Selective Service System under subsection (b)(2) shall not be counted for purposes of any limitation on the authorized strength of Selected Reserve personnel of the reserve components under any law authorizing the end strength of such personnel.".

Subtitle C—Authorization of Appropriations

SEC. 421. AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PERSONNEL.

There is hereby authorized to be appropriated to the Department of Defense for military personnel for fiscal year 1997 a total of $69,880,430,000. The authorization in the preceding sentence supersedes any other authorization of appropriations (definite or indefinite) for such purpose for fiscal year 1997.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

SEC. 501. EXTENSION OF AUTHORITY FOR TEMPORARY PROMOTIONS FOR CERTAIN NAVY LIEUTENANTS WITH CRITICAL SKILLS.

Section 5721(g) of title 10, United States Code, is amended by striking out "September 30, 1996" and inserting in lieu thereof "September 30, 1997".

SEC. 502. EXCEPTION TO BACCALAUREATE DEGREE REQUIREMENT FOR APPOINTMENT IN THE NAVAL RESERVE IN GRADES ABOVE O–2.

Section 12205(b)(3) of title 10, United States Code, is amended by inserting "or the Seaman to Admiral program" after "(NAVCAD) program".

SEC. 503. TIME FOR AWARD OF DEGREES BY UNACCREDITED EDUCATIONAL INSTITUTIONS FOR GRADUATES TO BE CONSIDERED EDUCATIONALLY QUALIFIED FOR APPOINTMENT AS RESERVE OFFICERS IN GRADE O–3.

Section 12205(c)(2)(C) of title 10, United States Code, is amended by striking out "three years" and inserting in lieu thereof "eight years".

SEC. 504. CHIEF WARRANT OFFICER PROMOTIONS.

(a) REDUCTION OF MINIMUM TIME IN GRADE REQUIRED FOR CONSIDERATION FOR PROMOTION.—Section 574(e) of title 10, United States Code, is amended by striking out "three years of service" and inserting in lieu thereof "two years of service".

(b) BELOW-ZONE SELECTION.—Section 575(b)(1) of such title is amended by inserting "chief warrant officer, W–3," in the first sentence after "to consider warrant officers for selection for promotion to the grade of".

SEC. 505. FREQUENCY OF PERIODIC REPORT ON PROMOTION RATES OF OFFICERS CURRENTLY OR FORMERLY SERVING IN JOINT DUTY ASSIGNMENTS.

Section 662(b) of title 10, United States Code, is amended by striking out "not less often than every six months" in the parenthetical in the first sentence and inserting in lieu thereof "not less often than every twelve months".

SEC. 506. GRADE OF CHIEF OF NAVAL RESEARCH.

Section 5022(a) of title 10, United States Code, is amended—

(1) by inserting "(1)" after "(a)"; and

(2) by adding at the end the following:

"(2) Unless appointed to higher grade under another provision of law, an officer, while serving in the Office of Naval Research as Chief of Naval Research, has the rank of rear admiral (upper half).".

SEC. 507. SERVICE CREDIT FOR SENIOR ROTC CADETS AND MIDSHIPMEN IN SIMULTANEOUS MEMBERSHIP PROGRAM.

(a) AMENDMENTS TO TITLE 10.—(1) Section 2106(c) of title 10, United States Code, is amended by striking out "while serving on active duty other than for training after July 31, 1990, while a member of the Selected Reserve" and inserting in lieu thereof "performed on or after August 1, 1979, as a member of the Selected Reserve".

(2) Section 2107(g) of such title is amended by striking out "while serving on active duty other than for training after July 31, 1990, while a member of the Selected Reserve" and inserting in lieu thereof "performed on or after August 1, 1979, as a member of the Selected Reserve".

(3) Section 2107a(g) of such title is amended by inserting ", other than enlisted service performed after August 1, 1979, as a member

of Selected Reserve'' after ''service as a cadet or with concurrent enlisted service''.

(b) AMENDMENT TO TITLE 37.—Section 205(d) of title 37, United States Code, is amended by striking out ''that service after July 31, 1990, that the officer performed while serving on active duty'' and inserting in lieu thereof ''for service that the officer performed on or after August 1, 1979.''.

(c) BENEFITS NOT TO ACCRUE FOR PRIOR PERIODS.—No increase in pay or retired or retainer pay shall accrue for periods before the date of the enactment of this Act by reason of the amendments made by this section.

Subtitle B—Matters Relating to Reserve Components

SEC. 511. CLARIFICATION OF DEFINITION OF ACTIVE STATUS.

Section 101(d)(4) of title 10, United States Code, is amended by striking out ''a reserve commissioned officer, other than a commissioned warrant officer,'' and inserting in lieu thereof the following: ''a member of a reserve component''.

SEC. 512. AMENDMENTS TO RESERVE OFFICER PERSONNEL MANAGEMENT ACT PROVISIONS.

(a) SERVICE REQUIREMENT FOR RETIREMENT IN HIGHEST GRADE HELD.—Section 1370(d) of title 10, United States Code, is amended—

(1) by redesignating paragraph (3) as paragraph (4);

(2) in paragraph (2)(A), by striking out ''(A)'';

(3) by redesignating paragraph (2)(B) as paragraph (3); and

(4) in paragraph (3), as so redesignated—

(A) by designating the first sentence as subparagraph (A);

(B) by designating the second sentence as subparagraph (B) and realigning such subparagraph, as so redesignated, flush to the left margin;

(C) in subparagraph (B), as so redesignated, by striking out ''the preceding sentence'' and inserting in lieu thereof ''subparagraph (A)''; and

(D) by adding at the end the following:

''(C) If a person covered by subparagraph (A) has completed at least six months of satisfactory service in grade, the person was serving in that grade while serving in a position of adjutant general required under section 314 of title 32 or while serving in a position of assistant adjutant general subordinate to such a position of adjutant general, and the person has failed to complete three years of service in that grade solely because the person's appointment to such position has been terminated or vacated as described in section 324(b) of such title, then such person may be credited with satisfactory service in that grade, notwithstanding the failure to complete three years of service in that grade.

''(D) To the extent authorized by the Secretary of the military department concerned, a person who, after having been recommended for promotion in a report of a promotion board but before being promoted to the recommended grade, served in a position for which that grade is the minimum authorized grade may be credited for purposes of subparagraph (A) as having served in that grade for the period for which the person served in that position while in the next lower grade. The period credited may not include any period before the date on which the Senate provides advice and consent for the appointment of that person in the recommended grade.

''(E) To the extent authorized by the Secretary of the military department concerned, a person who, after having been extended temporary Federal recognition as a reserve officer of the Army National Guard in a particular grade under section 308 of title 32 or temporary Federal recognition as a reserve officer of the Air National Guard in a particular grade under such section, served in a position for which that grade is the minimum authorized grade may be credited for purposes of subparagraph (A) as having served in that grade for the period for which the person served in that position while extended the temporary Federal recognition, but only if the person was subsequently extended permanent Federal recognition as a reserve officer in that grade and also served in that position after being extended the permanent Federal recognition.''.

(b) EXCEPTION TO REQUIREMENT FOR RETENTION OF RESERVE OFFICERS UNTIL COMPLETION OF REQUIRED SERVICE.—Section 12645(b)(2) of such title is amended by inserting ''or a reserve active-status list'' after ''active-duty list''.

(c) TECHNICAL CORRECTION.—Section 14314(b)(2)(B) of such title is amended by striking out ''of the Air Force''.

SEC. 513. REPEAL OF REQUIREMENT FOR PHYSICAL EXAMINATIONS OF MEMBERS OF NATIONAL GUARD CALLED INTO FEDERAL SERVICE.

(a) REPEAL.—Section 12408 of title 10, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1209 is amended by striking out the item relating to section 12408.

SEC. 514. AUTHORITY FOR A RESERVE ON ACTIVE DUTY TO WAIVE RETIREMENT SANCTUARY.

Section 12686 of title 10, United States Code, is amended—

(1) by inserting ''(a) LIMITATION.—'' before ''Under regulations''; and

(2) by adding at the end the following new subsection:

''(b) WAIVER.—(1) The Secretary concerned may authorize a member described in paragraph (2) to waive the applicability of the limitation under subsection (a) to the member for the period of active duty described in that paragraph. A member shall exercise any such waiver option, if at all, before the period of active duty begins.

''(2) The authority provided in paragraph (1) applies to a member of a reserve component who is on active duty (other than for training) pursuant to an order to active duty under section 12301 of this title that specifies a period of less than 180 days.''.

SEC. 515. RETIREMENT OF RESERVES DISABLED BY INJURY OR DISEASE INCURRED OR AGGRAVATED DURING OVERNIGHT STAY BETWEEN INACTIVE DUTY TRAINING PERIODS.

Paragraph (2) of section 1204 of title 10, United States Code, is amended to read as follows:

''(2) the disability is a result of—

''(A) performing active duty or inactive-duty training;

''(B) traveling directly to or from the place at which such duty is performed; or

''(C) an injury, illness, or disease incurred or aggravated while remaining overnight, between successive periods of inactive-duty training, at or in the vicinity of the site of the inactive duty training, if the site is outside reasonable commuting distance of the member's residence;''.

SEC. 516. RESERVE CREDIT FOR PARTICIPATION IN THE HEALTH PROFESSIONS SCHOLARSHIP AND FINANCIAL ASSISTANCE PROGRAM.

(a) CREDIT AUTHORIZED.—Section 2126 of title 10, United States Code, is amended—

(1) by striking out ''Service performed'' and inserting in lieu thereof ''(a) SERVICE NOT CREDITABLE.—Except as provided in subsection (b), service performed''; and

(2) by adding at the end the following:

''(b) EXCEPTION.—(1) The Secretary concerned may authorize service performed by a member of the program in pursuit of a course of study under this subchapter to be counted in accordance with this subsection if the member—

''(A) completes the course of study;

''(B) completes the active duty obligation imposed under section 2123(a) of this title; and

''(C) possesses a specialty designated by the Secretary concerned as critically needed in wartime.

''(2) Service credited under paragraph (1) counts only for the following purposes:

''(A) Award of retirement points for computation of years of service under section 12732 of this title and for computation of retired pay under section 12733 of this title.

''(B) Computation of years of service creditable under section 205 of title 37.

''(3) For purposes of paragraph (2)(A), a member may be credited in accordance with paragraph (1) with not more than 50 points for each year of participation in a course of study that the member satisfactorily completes as a member of the program.

''(4) Service may not be counted under paragraph (1) for more than four years of participation in a course of study as a member of the program.

''(5) A member who is dropped from the program under section 2123(c) of this title may not receive any credit under paragraph (1) for participation in a course of study as a member of the program. Any credit awarded for participation in the program before the member is dropped shall be rescinded.

''(6) A member is not entitled to any retroactive award of, or increase in, pay or allowances under title 37 by reason of an award of service credit under paragraph (1).''.

(b) AWARD OF RETIREMENT POINTS.—(1) Section 12732(a)(2) of such title is amended—

(A) by inserting after clause (C) the following:

''(D) Points credited for the year under section 2126(b) of this title.''; and

(B) in the matter following clause (D), as inserted by paragraph (1), by striking out ''and (C)'' and inserting in lieu thereof ''(C), and (D)''.

(2) Section 12733(3) of such title is amended by striking out ''or (C)'' and inserting in lieu thereof ''(C), or (D)''.

SEC. 517. REPORT ON GUARD AND RESERVE FORCE STRUCTURE.

(a) REPORT.—Not later than March 1, 1997, the Secretary of Defense shall submit to Congress a report on the current force structure and the projected force structure of the National Guard and the other reserve components.

(b) REPORT ELEMENTS.—The report required by subsection (a) shall address the following:

(1) The role of specific guard and reserve units in the current force structure of the guard and reserves.

(2) The projected role of specific guard units and reserve units in a major regional contingency.

(3) Whether or not the current force structure of the guard and reserves is excess to the combat readiness requirements of the Armed Forces and, if so, to what extent.

(4) The effect of decisions relating to the force structure of the guard and reserves on combat readiness within the tiered structure of combat readiness applied to the Armed Forces.

SEC. 518. MODIFIED END STRENGTH AUTHORIZATION FOR MILITARY TECHNICIANS FOR THE AIR NATIONAL GUARD FOR FISCAL YEAR 1997.

Section 513(b)(3) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 305; 10 U.S.C. 115 note) is amended to read as follows:

''(3) Air National Guard:

''(A) For fiscal year 1996, 22,906.

''(B) For fiscal year 1997, 22,956.''.

Subtitle C—Officer Education Programs

SEC. 521. INCREASED AGE LIMIT ON APPOINTMENT AS A CADET OR MIDSHIPMAN IN THE SENIOR RESERVE OFFICERS' TRAINING CORPS AND THE SERVICE ACADEMIES.

(a) SENIOR RESERVE OFFICERS' TRAINING CORPS.—Section 2107(a) of title 10, United States Code, is amended by striking out ''25 years of age'' and inserting in lieu thereof ''27 years of age''.

(b) UNITED STATES MILITARY ACADEMY.—Section 4346(a) of title 10, United States Code, is amended by striking out ''twenty-second birthday'' and inserting in lieu thereof ''twenty-third birthday''.

(c) UNITED STATES NAVAL ACADEMY.—Section 6958(a)(1) of title 10, United States Code, is amended by striking out ''twenty-second birthday'' and inserting in lieu thereof ''twenty-third birthday''.

(d) UNITED STATES AIR FORCE ACADEMY.—Section 9346(a) of title 10, United States Code, is amended by striking out ''twenty-second birthday'' and inserting in lieu thereof ''twenty-third birthday''.

SEC. 522. DEMONSTRATION PROJECT FOR INSTRUCTION AND SUPPORT OF ARMY ROTC UNITS BY MEMBERS OF THE ARMY RESERVE AND NATIONAL GUARD.

(a) IN GENERAL.—The Secretary of the Army shall carry out a demonstration project in order to assess the feasibility and advisability of providing instruction and similar support to units of the Reserve Officers Training Corps of the Army through members of the Army Reserve (including members of the Individual Ready Reserve) and members of the Army National Guard.

(b) PROJECT REQUIREMENTS.—(1) The Secretary shall carry out the demonstration project at least one institution.

(2) In order to enhance the value of the project, the Secretary may take actions to ensure that members of the Army Reserve and the Army National Guard provide instruction and support under the project in a variety of innovative ways.

(c) INAPPLICABILITY OF LIMITATION ON RESERVES IN SUPPORT OF ROTC.—The assignment of a member of the Army Reserve or the Army National Guard to provide instruction or support under the demonstration project shall not be treated as an assignment of the member to duty with a unit of a Reserve Officer Training Corps program for purposes of section 12321 of title 10, United States Code.

(d) REPORTS.—Not later than February 1 in each of 1998, 1999, 2000, and 2001, the Secretary shall submit to Congress a report assessing the activities under the project during the preceding year. The report submitted in 2000 shall include the Secretary's recommendation as to the advisability of continuing or expanding the authority for the project.

(e) TERMINATION.—The authority of the Secretary to carry out the demonstration project shall expire four years after the date of the enactment of this Act.

SEC. 523. PROHIBITION ON REORGANIZATION OF ARMY ROTC CADET COMMAND OR TERMINATION OF SENIOR ROTC UNITS PENDING REPORT ON ROTC.

(a) PROHIBITION.—Notwithstanding any other provision of law, the Secretary of the Army may not reorganize or restructure the Reserve Officers Training Corps Cadet Command or terminate any Senior Reserve Officer Training Corps units identified in the Information for Members of Congress concerning Senior Reserve Officer Training Corps (ROTC) Unit Closures dated May 20, 1996, until 180 days after the date on which the Secretary submits to the congressional defense committees the report described in subsection (b).

(b) REPORT.—The report referred to in subsection (a) shall—

(1) describe the selection process used to identify the Reserve Officer Training Corps units of the Army to be terminated;

(2) list the criteria used by the Army to select Reserve Officer Training Corps units for termination;

(3) set forth the specific ranking of each unit of the Reserve Officer Training Corps of the Army to be terminated as against all other such units;

(4) set forth the authorized and actual cadre staffing of each such unit to be termination for each fiscal year of the 10-fiscal year period ending with fiscal year 1996;

(5) set forth the production goals and performance evaluations of each Reserve Officer Training Corps unit of the Army on the closure list for each fiscal year of the 10-fiscal year period ending with fiscal year 1996;

(6) describe how cadets currently enrolled in the units referred to in paragraph (5) will be accommodated after the closure of such units;

(7) describe the incentives to enhance the Reserve Officer Training Corps program that are provided by each of the colleges on the closure list;

(8) include the projected officer accession plan by source of commission for the active-duty Army, the Army Reserve, and the Army National Guard; and

(9) describe whether the closure of any ROTC unit will adversely effect the recruitment of minority officer candidates.

Subtitle D—Other Matters

SEC. 531. RETIREMENT AT GRADE TO WHICH SELECTED FOR PROMOTION WHEN A PHYSICAL DISABILITY IS FOUND AT ANY PHYSICAL EXAMINATION.

Section 1372(3) of title 10, United States Code, is amended by striking out ''his physical examination for promotion'' and inserting in lieu thereof ''a physical examination''.

SEC. 532. LIMITATIONS ON RECALL OF RETIRED MEMBERS TO ACTIVE DUTY.

(a) NUMBER ON ACTIVE DUTY CONCURRENTLY.—Subsection (c) of section 688 of title 10, United States Code, is amended—

(1) by striking out ''(c) Except in time of war, or of national emergency declared by Congress or the President after November 30, 1980, not'' and inserting in lieu thereof ''(c)(1) Not''; and

(2) by adding at the end the following:

''(2)(A) Not more than 25 officers of any one armed force may be serving on active duty concurrently pursuant to orders to active duty issued under this section.

''(B) In the administration of subparagraph (A), the following officers shall not be counted:

''(i) A chaplain who is assigned to duty as a chaplain for the period of active duty to which ordered.

''(ii) A health care professional (as characterized by the Secretary concerned) who is assigned to duty as a health care professional for the period of the active duty to which ordered.

''(iii) Any officer assigned to duty with the American Battle Monuments Commission for the period of active duty to which ordered.''.

(b) OFFICERS RETIRED ON SELECTIVE EARLY RETIREMENT BASIS.—Such section is amended by adding at the end the following:

''(e) The following officers may not be ordered to active duty under this section:

''(1) An officer who retired under section 638 of this title.

''(2) An officer who—

''(A) after having been notified that the officer was to be considered for early retirement under section 638 of this title by a board convened under section 611(b) of this title and before being considered by that board, requested retirement under section 3911, 6323, or 8911 of this title; and

''(B) was retired pursuant to that request.''.

(c) LIMITATION OF PERIOD OF RECALL SERVICE.—Such section, as amended by subsection (b), is further amended by adding at the end the following:

''(f) A member ordered to active duty under subsection (a) may not serve on active duty pursuant to orders under such subsection for more than 12 months within the 24 months following the first day of the active duty to which ordered under this section.''.

(d) WAIVER FOR PERIODS OF WAR OR NATIONAL EMERGENCY.—Such section, as amended by subsection (c), is further amended by adding at the end the following:

''(g)(1) Subsection (c)(1) does not apply in time of war or of national emergency declared by Congress or the President after November 30, 1980.

''(2) Subsections (c)(2), (e), and (f) do not apply in time of war or of national emergency declared by Congress or the President.''.

SEC. 533. DISABILITY COVERAGE FOR OFFICERS GRANTED EXCESS LEAVE FOR EDUCATIONAL PURPOSES.

(a) ELIGIBILITY FOR RETIREMENT.—Section 1201 of title 10, United States Code, is amended—

(1) by inserting ''(a) RETIREMENT.—'' before ''Upon a determination'';

(2) by striking out ''a member of a regular component of the armed forces entitled to basic pay, or any other member of the armed forces entitled to basic pay who has been called or ordered to active duty (other than for training under section 10148(a) of this title) for a period of more than 30 days,'' and inserting in lieu thereof ''a member described in subsection (b)'';

(3) by inserting after ''incurred while entitled to basic pay'' the following: ''or incurred while absent as described in section 502(b) of title 37 to participate in an educational program (even though not entitled to basic pay by operation of such section)''; and

(4) by adding at the end the following:

''(b) ELIGIBLE MEMBERS.—This section applies to the following members:

''(1) A member of a regular component of the armed forces entitled to basic pay.

''(2) Any other member of the armed forces entitled to basic pay who has been called or ordered to active duty (other than for training under section 10148(a) of this title) for a period of more than 30 days.

''(3) A member of a regular component of the armed forces who is on active duty but is absent as described in section 502(b) of title 37 to participate in an educational program.''.

(b) ELIGIBILITY FOR PLACEMENT ON TEMPORARY DISABILITY RETIREMENT LIST.—Section 1202 of title 10, United States Code, is amended—

(1) by inserting ''(a) TEMPORARY RETIREMENT.—'' before ''Upon a determination''; and

(2) by striking out ''a member of a regular component of the armed forces entitled to basic pay, or any other member of the armed forces entitled to basic pay who has been called or ordered to active duty (other than for training under section 10148(a) of this title) for a period of more than 30 days,'' and inserting in lieu thereof ''a member described in section 1201(b) of this title''.

(c) ELIGIBILITY FOR SEPARATION.—Section 1203 of title 10, United States Code, is amended—

(1) by inserting ''(a) SEPARATION.—'' before ''Upon a determination'';

(2) by striking out ''a member of a regular component of the armed forces entitled to basic pay, or any other member of the armed forces entitled to basic pay who has been called or ordered to active duty (other than for training under section 10148(a) of this title) for a period of more than 30 days,'' and inserting in lieu thereof ''a member described in section 1201(b) of this title''; and

(3) by inserting after ''incurred while entitled to basic pay'' the following: ''or incurred while absent as described in section 502(b) of title 37 to participate in an educational program (even though not entitled to basic pay by operation of such section)''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply with respect to physical disabilities incurred on or after such date.

SEC. 534. UNIFORM POLICY REGARDING RETENTION OF MEMBERS WHO ARE PERMANENTLY NONWORLDWIDE ASSIGNABLE.

(a) POLICY REQUIRED.—Chapter 59 of title 10, United States Code, is amended by inserting after section 1176 the following:

''§ 1177. Uniform policy regarding retention of members who are permanently nonworldwide assignable

''The Secretary of Defense shall prescribe regulations setting forth uniform policies and procedures regarding retention of members of the Army, Navy, Air Force, and Marine Corps who are permanently nonworldwide assignable for medical reasons.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1176 the following:

''1177. Uniform policy regarding retention of members who are permanently nonworldwide assignable.''.

SEC. 535. AUTHORITY TO EXTEND PERIOD FOR ENLISTMENT IN REGULAR COMPONENT UNDER THE DELAYED ENTRY PROGRAM.

(a) AUTHORITY.—Section 513(b) of title 10, United States Code, is amended by inserting after the first sentence the following: ''The Secretary concerned may extend the 365-day period for a person for up to 180 additional days if the Secretary determines that it is in the best interests of the armed force under the Secretary's jurisdiction to do so.''.

(b) TECHNICAL AMENDMENTS.—Section 513(b) of such title, as amended by subsection (a), is further amended—

(1) by inserting ''(1)'' after ''(b)'';

(2) by designating the third sentence as paragraph (2) and realigning such paragraph, as so designated, flush to the left margin; and

(3) in paragraph (2), as so designated, by striking out ''the preceding sentence'' and inserting in lieu thereof ''paragraph (1)''.

SEC. 536. CAREER SERVICE REENLISTMENTS FOR MEMBERS WITH AT LEAST 10 YEARS OF SERVICE.

Subsection (d) of section 505 of title 10, United States Code, is amended to read as follows:

''(d)(1) The Secretary concerned may accept a reenlistment in the Regular Army, Regular Navy, Regular Air Force, Regular Marine Corps, or Regular Coast Guard, as the case may be, for a period determined under this subsection.

''(2) In the case of a member who has less than 10 years of service in the armed forces as of the day before the first day of the period for which reenlisted, the period for which the member reenlists shall be at least two years but not more than six years.

''(3) In the case of a member who has at least 10 years of service in the armed forces as of the day before the first day of the period for which reenlisted, the Secretary concerned may accept a reenlistment for either—

''(A) a specified period of at least two years but not more than six years; or

''(B) an unspecified period.

''(4) No enlisted member is entitled to be reenlisted for a period that would expire before the end of the member's current enlistment.''.

SEC. 537. REVISIONS TO MISSING PERSONS AUTHORITIES.

(a) REPEAL OF APPLICABILITY OF AUTHORITIES TO DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES AND CONTRACTOR EMPLOYEES.—(1) Section 1501 of title 10, United States Code, is amended—

(A) by striking out subsection (c) and inserting in lieu thereof the following new subsection (c):

''(c) COVERED PERSONS.—Section 1502 of this title applies in the case of any member of the armed forces on active duty who becomes involuntarily absent as a result of a hostile action, or under circumstances suggesting that the involuntary absence is a result of a hostile action, and whose status is undetermined or who is unaccounted for.''; and

(B) by striking out subsection (f).

(2) Section 1503(c) of such title is amended—

(A) in paragraph (1), by striking out ''one individual described in paragraph (2)'' and inserting in lieu thereof ''one military officer'';

(B) by striking out paragraph (2); and

(C) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

(3) Section 1504(d) of such title is amended—

(A) by striking out the text of paragraph (1) and inserting in lieu thereof the following new text: ''A board under this section shall be composed of at least three members who are officers having the grade of major or lieutenant commander or above.''; and

(B) in paragraph (4), by striking out ''section 1503(c)(4)'' and inserting in lieu thereof ''section 1503(c)(3)''.

(4) Paragraph (1) of section 1513 of such title is amended to read as follows:

''(1) The term 'missing person' means a member of the armed forces on active duty who is in a missing status.''.

(b) REPORT ON PRELIMINARY ASSESSMENT OF STATUS.—(1) Section 1502 of title 10, United States Code, is amended—

(A) in subsection (a)(2)—

(i) by striking out ''48 hours'' and inserting in lieu thereof ''10 days''; and

(ii) by striking out ''theater component commander with jurisdiction over the missing person'' and inserting in lieu thereof ''Secretary concerned'';

(B) by striking out subsection (b);

(C) by redesignating subsection (c) as subsection (b); and

(D) in subsection (b), as so redesignated, by striking out the second sentence.

(2) Section 1503(a) of such title is amended by striking out ''section 1502(b)'' and inserting in lieu thereof ''section 1502(a)''.

(3) Section 1513 of such title is amended by striking out paragraph (8).

(c) REPEAL OF REQUIREMENTS FOR COUNSELS FOR MISSING PERSONS.—(1) Section 1503 of title 10, United States Code, is amended—

(A) by striking out subsection (f); and

(B) by redesignating subsections (g) through (k) as subsections (f) through (j), respectively.

(2) Section 1504 of such title is amended—

(A) by striking out subsection (f); and

(B) by redesignating subsections (g) through (m) as subsections (f) through (l), respectively.

(3) Such section 1503 is further amended—

(A) in subsection (g)(3), as redesignated by paragraph (1)(B) of this subsection, by striking out ''subsection (j)'' and inserting in lieu thereof ''subsection (i)'';

(B) in subsection (h)(1), as so redesignated, by striking out ''subsection (h)'' and inserting in lieu thereof ''subsection (g)'';

(C) in subsection (i), as so redesignated—

(i) by striking out ''subsection (i)'' in the matter preceding paragraph (1) and inserting in lieu thereof ''subsection (h)''; and

(ii) in paragraph (1)(B), by striking out ''subsection (h)'' and inserting in lieu thereof ''subsection (g)''; and

(D) in subsection (j), as so redesignated, by striking out ''subsection (i)'' and inserting in lieu thereof ''subsection (h)''.

(4) Such section 1504 of such title is amended—

(A) in subsection (a), by striking out ''section 1503(i)'' and inserting in lieu thereof ''section 1503(h)'';

(B) in subsection (e)(1), by striking out ''section 1503(h)'' and inserting in lieu thereof ''section 1503(g)'';

(C) in subsection (f), as redesignated by paragraph (2)(B) of this subsection, by striking out ''subsection (i)'' each place it appears in paragraphs (4)(D) and (5)(B) and inserting in lieu thereof ''subsection (h)'';

(D) in subsection (g)(3)(A), as so redesignated, by striking out ''and the counsel for the missing person appointed under subsection (f)'';

(E) in subsection (j), as so redesignated—

(i) in paragraph (1)—

(I) by striking out ''subsection (j)'' in the matter preceding subparagraph (A) and inserting in lieu thereof ''subsection (i)'';

(II) by inserting ''and'' at the end of subparagraph (A);

(III) by striking out subparagraph (B); and

(IV) by redesignating subparagraph (C) as subparagraph (B) and in that subparagraph, as so redesignated, by striking out ''subsection (g)(5)'' and inserting in lieu thereof ''subsection (f)(5)''; and

(ii) in paragraph (2), by striking out ''subparagraph (C)'' and inserting in lieu thereof ''subparagraph (B)'';

(F) in subsection (k), as redesignated by paragraph (2)(B) of this subsection, by striking out ''subsection (k)'' in the matter preceding paragraph (1) and inserting in lieu thereof ''subsection (j)''; and

(G) in subsection (l), as so redesignated, by striking out ''subsection (k)'' and inserting in lieu thereof ''subsection (l)''.

(5) Section 1505(c) of such title is amended—

(A) in paragraph (2), by striking out ''(A) the designated missing person's counsel for that person, and (B)''; and

(B) in paragraph (3), by striking out '', with the advice'' and all that follows through ''paragraph (2),''.

(6) Section 1509(a) of such title is amended by striking out ''section 1504(g)'' and inserting in lieu thereof ''section 1504(f)''.

(d) FREQUENCY OF SUBSEQUENT REVIEWS.—Subsection (b) of section 1505 of title 10, United States Code, is amended to read as follows:

''(b) FREQUENCY OF SUBSEQUENT REVIEWS.—The Secretary concerned shall conduct inquiries into the whereabouts and status of a person under subsection (a) upon receipt of information that may result in a change of status of the person. The Secretary concerned shall appoint a board to conduct such inquiries.''.

(e) REPEAL OF STATUTORY PENALTIES FOR WRONGFUL WITHHOLDING OF INFORMATION.—Section 1506 of title 10, United States Code, is amended—

(1) by striking out subsection (e); and

(2) by redesignating subsection (f) as subsection (e).

(f) INFORMATION TO ACCOMPANY RECOMMENDATION OF STATUS OF DEATH.—Section 1507(b) of title 10, United States Code, is amended by striking out paragraphs (3) and (4).

(g) REPEAL OF RIGHT OF JUDICIAL REVIEW.—Section 1508 of title 10, United States Code, is repealed.

(h) SCOPE OF PREENACTMENT REVIEW.—(1) Section 1509 of title 10, United States Code, is amended—

(A) in subsection (b)—

(i) by striking out paragraph (1); and

(ii) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively;

(B) by striking out subsection (c);

(C) by redesignating subsection (d) as subsection (c); and

(D) in subsection (c), as so redesignated—

(i) by striking out paragraph (1); and

(ii) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively.

(2) The section heading of such section is amended by striking out ''**, special interest cases**''.

(i) CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 76 of title 10, United States Code, is amended—

(1) in the item relating to section 1509, by striking out '', special interest cases''; and

(2) by striking out the item relating to section 1509.

SEC. 538. INAPPLICABILITY OF SOLDIERS' AND SAILORS' CIVIL RELIEF ACT OF 1940 TO THE PERIOD OF LIMITATIONS FOR FILING CLAIMS FOR CORRECTIONS OF MILITARY RECORDS.

(a) EXTENSION OF PERIOD.—Section 1552(b) of title 10, United States Code, is amended—

(1) by inserting ''(1)'' after ''(b)''; and

(2) by adding at the end the following:

''(2) Notwithstanding the provisions of section 205 of the Soldiers' and Sailors' Civil Relief Act of 1940 (50 U.S.C. App. 525), and any other provision of law, the three-year period for filing a request for correction of records is not extended by reason of military service. However, in determining under paragraph (1) whether it is in the interest of justice to excuse a failure timely to file a request for correction, the board shall consider the claimant's military service and its effect on the claimant's ability to file a claim.''.

(b) EFFECTIVE DATE.—Paragraph (2) of section 1552(b) of such title, as added by subsection (a), shall take effect three years after the date of the enactment of this Act.

SEC. 539. MEDAL OF HONOR FOR CERTAIN AFRICAN-AMERICAN SOLDIERS WHO SERVED IN WORLD WAR II.

(a) INAPPLICABILITY OF TIME LIMITATIONS.—Notwithstanding the time limitations in section 3744(b) of title 10, United States Code, or any other time limitation, the President may award the Medal of Honor to each person identified in subsection (b), each such person having distinguished himself conspicuously by gallantry and intrepidity at the risk of his life above and beyond the call of duty while serving in the United States Army during World War II.

(b) APPLICABILITY.—The authority in this section applies with respect to the following persons:

(1) Vernon J. Baker, who served as a first lieutenant in the 370th Infantry Regiment, 92nd Infantry Division.

(2) Edward A. Carter, who served as a staff sergeant in the 56th Armored Infantry Battalion, 12th Armored Division.

(3) John R. Fox, who served as a first lieutenant in the 366th Infantry Regiment, 92nd Infantry Division.

(4) Willy F. James, Jr., who served as a private first class in the 413th Infantry Regiment, 104th Infantry Division.

(5) Ruben Rivers, who served as a staff sergeant in the 761st Tank Battalion.

(6) Charles L. Thomas, who served as a first lieutenant in the 614th Tank Destroyer Battalion.

(7) George Watson, who served as a private in the 29th Quartermaster Regiment.

(c) POSTHUMOUS AWARD.—The Medal of Honor may be awarded under this section posthumously, as provided in section 3752 of title 10, United States Code.

(d) PRIOR AWARD.—The Medal of Honor may be awarded under this section for service for which a Distinguished-Service Cross, or other award, has been awarded.

SEC. 540. CHIEF AND ASSISTANT CHIEF OF ARMY NURSE CORPS.

(a) CHIEF OF ARMY NURSE CORPS.—Subsection (b) of section 3069 of title 10, United States Code, is amended—

(1) in the first sentence, by striking out ''major'' and inserting in lieu thereof ''lieutenant colonel'';

(2) by inserting after the first sentence the following: ''An appointee who holds a lower regular grade shall be appointed in the regular grade of brigadier general.''; and

(3) in the last sentence, by inserting ''to the same position'' before the period at the end.

(b) ASSISTANT CHIEF.—Subsection (c) of such section is amended by striking out ''major'' in the first sentence and inserting in lieu thereof ''lieutenant colonel''.

(c) CLERICAL AMENDMENTS.—(1) The heading of such section is amended to read as follows:

''§ 3069. Army Nurse Corps: composition; Chief and assistant chief; appointment; grade

(2) The item relating to such section in the table of sections at the beginning of chapter 307 of title 10, United States Code, is amended to read as follows:

''3069. Army Nurse Corps: composition; Chief and assistant chief; appointment; grade.''.

SEC. 541. CHIEF AND ASSISTANT CHIEF OF AIR FORCE NURSE CORPS.

(a) POSITIONS AND APPOINTMENT.—Chapter 807 of title 10, United States Code, is amended by inserting after section 8067 the following:

''§ 3069. Air Force nurses: Chief and assistant chief; appointment; grade

''(a) POSITIONS OF CHIEF AND ASSISTANT CHIEF.—There are a Chief and assistant chief of the Air Force Nurse Corps.

''(b) CHIEF.—The Secretary of the Air Force shall appoint the Chief from the officers of the Regular Air Force designated as Air Force nurses whose regular grade is above lieutenant colonel and who are recommended by the Surgeon General. An appointee who holds a lower regular grade shall be appointed in the regular grade of brigadier general. The Chief serves during the pleasure of the Secretary, but not for more than three years, and may not be reappointed to the same position.

''(c) ASSISTANT CHIEF.—The Surgeon General shall appoint the assistant chief from the officers of the Regular Air Force designated as Air Force nurses whose regular grade is above lieutenant colonel.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after section 8067 the following:

''3069. Air Force Nurse Corps: Chief and assistant chief; appointment; grade.''.

SEC. 542. WAIVER OF TIME LIMITATIONS FOR AWARD OF CERTAIN DECORATIONS TO SPECIFIED PERSONS.

(a) WAIVER OF TIME LIMITATION.—Any limitation established by law or policy for the time within which a recommendation for the award of a military decoration or award must be submitted shall not apply in the case of awards of decorations as described in subsection (b), the award of each such decoration having been determined by the Secretary of the Navy to be warranted in accordance with section 1130 of title 10, United States Code.

(b) DISTINGUISHED FLYING CROSS.—Subsection (a) applies to awards of the Distinguished Flying Cross for service during World War II as follows:

(1) FIRST AWARD.—First award, for completion of at least 20 qualifying combat missions, to the following members and former members of the Armed Forces:

Vernard V. Aiken of Wilmington, Vermont.

Ira V. Babcock of Dothan, Georgia.

George S. Barlow of Grafton, Virginia.

Earl A. Bratton of Bodega Bay, California.

Herman C. Edwards of Johns Island, South Carolina.

James M. Fitzgerald of Anchorage, Alaska.

Paul L. Hitchcock of Raleigh, North Carolina.

Harold H. Hottle of Hillsboro, Ohio.

Samuel M. Keith of Anderson, South Carolina.

Otis Lancaster of Wyoming, Michigan.

John B. McCabe of Biglerville, Pennsylvania.

James P. Merriman of Midland, Texas.

The late Michael L. Michalak, formerly of Akron, New York.

The late Edward J. Naparkowsky, formerly of Hartford, Connecticut.

A. Jerome Pfeiffer of Racine, Wisconsin.

Duane L. Rhodes of Earp, California.

Frank V. Roach of Bloomfield, New Jersey.

Arnold V. Rosekrans of Horseheads, New York.

Joseph E. Seaman, Jr. of Bordentown, New Jersey.

Luther E. Thomas of Panama City, Florida.

Merton S. Ward of South Hamilton, Massachusetts.

Simon L. Webb of Magnolia, Mississippi.

Jerry W. Webster of Leander, Texas.

Stanley J. Orlowski of Jackson, Michigan.

(2) SECOND AWARD.—Second award, for completion of at least 40 qualifying combat missions, to the following members and former members of the Armed Forces:

Ralph J. Deceuster of Dover, Ohio.

Elbert J. Kimble of San Francisco, California.

George W. Knauff of Monument, Colorado.

John W. Lincoln of Rockland, Massachusetts.

Alan D. Marker of Sonoma, California.

Joseph J. Oliver of White Haven, Pennsylvania.

Arthur C. Adair of Grants Pass, Oregon.

Daniel K. Connors of Hampton, New Hampshire.

Glen E. Danielson of Whittier, California.

Prescott C. Jernegan of Hemet, California.

Stephen K. Johnson of Englewood, Florida.

Warren E. Johnson of Vista, California.

Albert P. Emsley of Bothell, Washington.

Robert B. Carnes of West Yarmouth, Massachusetts.

Urbain J. Fournier of Houma, Louisiana.

John B. Tagliapiri of St. Helena, California.

Ray B. Stiltner of Centralia, Washington.

(3) THIRD AWARD.—Third award, for completion of at least 60 qualifying combat missions, to the following members and former members of the Armed Forces:

Glenn Bowers of Dillsburg, Pennsylvania.

Arthur C. Casey of Irving, California.

Robert J. Larsen of Gulf Breeze, Florida.

William A. Nickerson of Portland, Oregon.

David Mendoza of McAllen, Texas.

(4) FOURTH AWARD.—Fourth award, for completion of at least 80 qualifying combat missions, to the following members and former members of the Armed Forces:

Arvid L. Kretz of Santa Rosa, California.

George E. McClane of Cocoa Beach, Florida.

Robert Bair of Ontario, California.

(5) FIFTH AWARD.—Fifth award, for completion of at least 100 qualifying combat missions, to the following members and former members of the Armed Forces:

William A. Baldwin of San Clemente, California.

George Bobb of Blackwood, New Jersey.

John R. Conrad of Hot Springs, Arkansas.

Herbert R. Hetrick of Roaring Springs, Pennsylvania.

William L. Wells of Cordele, Georgia.

(6) SIXTH AWARD.—Sixth award, for completion of at least 120 qualifying combat missions, to Richard L. Murray of Dallas, Texas.

SEC. 543. MILITARY PERSONNEL STALKING PUNISHMENT AND PREVENTION ACT OF 1996.

(a) SHORT TITLE.—This section may be cited as the ''Military Personnel Stalking Punishment and Prevention Act of 1996''.

(b) IN GENERAL.—Title 18, United States Code, is amended by inserting after section 2261 the following:

''§ 2261A. Stalking of members of the Armed Forces of the United States

''(a) IN GENERAL.—Whoever, within the special maritime and territorial jurisdiction of the United States or in the course of interstate travel, with the intent to injure or harass any military person, places that military person in reasonable fear of the death of, or serious bodily injury to, that military person or a member of the immediate family of that military person shall be punished as provided in section 2261.

''(b) DEFINITIONS.—For purposes of this section—

''(1) the term 'immediate family' has the same meaning as in section 115; and

''(2) the term 'military person' means—

''(A) any member of the Armed Forces of the United States (including a member of any reserve component); and

''(B) any member of the immediate family of a person described in subparagraph (A).''.

(c) CONFORMING AMENDMENTS.—

(1) Section 2261(b) of title 18, United States Code, is amended by inserting ''or section 2261A'' after ''this section''.

(2) Sections 2261(b) and 2262(b) of title 18, United States Code, are each amended by striking ''offender's spouse or intimate partner'' each place it appears and inserting ''victim''.

(3) The chapter heading for chapter 110A of title 18, United States Code, is amended by inserting ''**AND STALKING**'' after ''**VIOLENCE**''.

(d) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 110A of title 18, United States Code, is amended by inserting after the item relating to section 2261 the following new item:

''2261A. Stalking of members of the Armed Forces of the United States.''.

(e) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the day after the date of enactment of this Act.

Subtitle E—Commissioned Corps of the Public Health Service

SEC. 561. APPLICABILITY TO PUBLIC HEALTH SERVICE OF PROHIBITION ON CREDITING CADET OR MIDSHIPMEN SERVICE AT THE SERVICE ACADEMIES.

Section 971(b) of title 10, United States Code, is amended—

(1) in subsection (a), by inserting before the period at the end the following: ''or an officer in the Commissioned Corps of the Public Health Service''; and

(2) in subsection (b)—

(A) by striking out ''and'' at the end of paragraph (2);

(B) by striking out the period at the end of paragraph (3) and inserting in lieu thereof ''; and''; and

(C) by adding at the end the following new paragraph:

''(4) no officer in the Commissioned Corps of the Public Health Service may be credited with service as a midshipman at the United States Naval Academy or as a cadet at the United States Military Academy, United States Air Force Academy, or United States Coast Guard Academy.''.

SEC. 562. EXCEPTION TO GRADE LIMITATIONS FOR PUBLIC HEALTH SERVICE OFFICERS ASSIGNED TO THE DEPARTMENT OF DEFENSE.

Section 206 of the Public Health Service Act (42 U.S.C. 207 et seq.) is amended by adding at the end thereof the following new subsection:

''(f) EXCEPTION TO GRADE LIMITATIONS FOR OFFICERS ASSIGNED TO DEPARTMENT OF DEFENSE.—In computing the maximum number of commissioned officers of the Public Health Service authorized by law to hold a grade which corresponds to the grade of captain, major, lieutenant colonel, or colonel, there may be excluded from such computation officers who hold such a grade while the officers are assigned to duty in the Department of Defense.''.

Subtitle F—Defense Economic Adjustment, Diversification, Conversion, and Stabilization

SEC. 571. AUTHORITY TO EXPAND LAW ENFORCEMENT PLACEMENT PROGRAM TO INCLUDE FIREFIGHTERS.

Section 1152(g) of title 10, United States Code, is amended—

(1) by striking out ''(g) CONDITIONAL EXPANSION OF PLACEMENT TO INCLUDE FIREFIGHTERS.—(1) Subject to paragraph (2), the'' and inserting in lieu thereof ''(g) AUTHORITY TO EXPAND PLACEMENT TO INCLUDE FIREFIGHTERS.—The''; and

(2) in paragraph (2), by striking out the first sentence.

SEC. 572. TROOPS-TO-TEACHERS PROGRAM IMPROVEMENTS.

(a) SEPARATED MEMBERS OF THE ARMED FORCES.—(1) Subsection (a) of section 1151 of title 10, United States Code, is amended by striking out ''may establish'' and inserting in lieu thereof ''shall establish''.

(2) Such section is further amended—

(A) in subsection (f)(2), by striking out ''five school years'' in subparagraphs (A) and (B) and inserting in lieu thereof ''two school years''; and

(B) in subsection (h)(3)(A), by striking out ''five consecutive school years'' and inserting in lieu thereof ''two consecutive school years''.

(3) Subsection (g)(2) of such section is amended—

(A) by striking out the comma after ''section 1174a of this title'' and inserting in lieu thereof ''or''; and

(B) by striking out '', or retires pursuant to the authority provided in section 4403 of the National Defense Authorization Act for fiscal year 1993 (Public Law 102–484; 10 U.S.C. 1293 note)''.

(4) Subsection (h)(3)(B) of such section is amended—

(A) in clause (i), by striking out ''$25,000'' and inserting in lieu thereof ''$17,000'';

(B) in clause (ii)—

(i) by striking out ''40 percent'' and inserting in lieu thereof ''25 percent''; and

(ii) by striking out ''$10,000'' and inserting in lieu thereof ''$8,000''; and

(C) by striking out clauses (iii), (iv), and (v).

(b) SAVINGS PROVISION.—The amendments made by this section do not effect obligations under agreements entered into in accordance with section 1151 of title 10, United States Code, before the date of the enactment of this Act.

Subtitle G—Armed Forces Retirement Home

SEC. 581. REFERENCES TO ARMED FORCES RETIREMENT HOME ACT OF 1991.

Except as otherwise expressly provided, whenever in this subtitle an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Armed Forces Retirement Home Act of 1991 (title XV of Public Law 101–510; 24 U.S.C. 401 et seq.).

SEC. 582. ACCEPTANCE OF UNCOMPENSATED SERVICES.

(a) AUTHORITY.—Part A is amended by adding at the end the following:

''SEC. 1522. AUTHORITY TO ACCEPT CERTAIN UNCOMPENSATED SERVICES.

''(a) AUTHORITY TO ACCEPT SERVICES.—Subject to subsection (b) and notwithstanding section 1342 of title 31, United States Code, the Chairman of the Retirement Home Board or the Director of each establishment of the Retirement Home may accept from any person voluntary personal services or gratuitous services unless the acceptance of the voluntary services is disapproved by the Retirement Home Board.

''(b) REQUIREMENTS AND LIMITATIONS.—(1) The Chairman of the Retirement Home Board or the Director of the establishment accepting the services shall notify the person of the scope of the services accepted.

''(2) The Chairman or Director shall—

''(A) supervise the person providing the services to the same extent as that official would supervise a compensated employee providing similar services; and

''(B) ensure that the person is licensed, privileged, has appropriate credentials, or is otherwise qualified under applicable laws or regulations to provide such services.

''(3) A person providing services accepted under subsection (a) may not—

''(A) serve in a policymaking position of the Retirement Home; or

''(B) be compensated for the services by the Retirement Home.

''(c) AUTHORITY TO RECRUIT AND TRAIN PERSONS PROVIDING SERVICES.—The Chairman of the Retirement Home Board or the Director of an establishment of the Retirement Home may recruit and train persons to provide services authorized to be accepted under subsection (a).

''(d) STATUS OF PERSONS PROVIDING SERVICES.—(1) Subject to paragraph (3), while providing services accepted under subsection (a) or receiving training under subsection (c), a person shall be considered to be an employee of the Federal Government only for purposes of the following provisions of law:

''(A) Subchapter I of chapter 81 of title 5, United States Code (relating to compensation for work-related injuries).

''(B) Chapter 171 of title 28, United States Code (relating to claims for damages or loss).

''(2) A person providing services accepted under subsection (a) shall be considered to be an employee of the Federal Government under paragraph (1) only with respect to services that are within the scope of the services accepted.

''(3) For purposes of determining the compensation for work-related injuries payable under chapter 81 of title 5, United States Code (pursuant to this subsection) to a person providing services accepted under subsection (a), the monthly pay of the person for such services shall be deemed to be the amount determined by multiplying—

''(A) the average monthly number of hours that the person provided the services, by

''(B) the minimum wage determined in accordance with section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)).

''(e) REIMBURSEMENT OF INCIDENTAL EXPENSES.—The Chairman of the Retirement Board or the Director of the establishment accepting services under subsection (a) may provide for reimbursement of a person for incidental expenses incurred by the person in providing the services accepted under subsection (a). The Chairman or Director shall determine which expenses qualify for reimbursement under this subsection.''.

(b) FEDERAL STATUS OF RESIDENTS PAID FOR PART-TIME OR INTERMITTENT SERVICES.—Paragraph (2) of section 1521(b) (24 U.S.C. 421(b)) is amended to read as follows:

''(2) being an employee of the United States for any purpose other than—

''(A) subchapter I of chapter 81 of title 5, United States Code (relating to compensation for work-related injuries); and

''(B) chapter 171 of title 28, United States Code (relating to claims for damages or loss).''.

SEC. 583. DISPOSAL OF REAL PROPERTY.

(a) DISPOSAL AUTHORIZED.—Notwithstanding title II the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481 et seq.), title VIII of such Act (40 U.S.C. 531 et seq.), section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411), or any other provision of law relating to the management and disposal of real property by the United States, but subject to subsection (d), the Retirement Home Board may, by sale or otherwise, convey all right, title, and interest of the United States in a parcel of real property, including improvements thereof, consisting of approximately 49 acres located in Washington, District of Columbia, east of North Capitol Street, and recorded as District Parcel 121/19.

(b) MANNER, TERMS, AND CONDITIONS OF DISPOSAL.—The Retirement Home may determine—

(1) the manner for the disposal of the real property under subsection (a); and

(2) the terms and conditions for the conveyance of that property, including any terms and conditions that the Board considers necessary to protect the interests of the United States.

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Board. The cost of the survey shall be borne by the party or parties to which the property is to be conveyed.

(d) CONGRESSIONAL NOTIFICATION.—(1) Before disposing of real property under subsection (a), the Board shall notify the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives of the proposed disposal. The Board may not dispose of the real property until the later of—

(A) the date that is 60 days after the date on which the notification is received by the committees; or

(B) the date of the next day following the expiration of the first period of 30 days of continuous session of Congress that follows the date on which the notification is received by the committees.

(2) For the purposes of paragraph (1)—

(A) continuity of session 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 three days to a day certain are excluded in the computation of any period of time in which Congress is in continuous session.

SEC. 584. MATTERS CONCERNING PERSONNEL.

(a) TERMS OF APPOINTMENT TO GOVERNING BOARDS.—Section 1515(e) (24 U.S.C. 415(e)) is amended—

(1) in paragraph (1), by striking out ''subsection (f)'' and inserting in lieu thereof ''paragraph (2)'';

(2) by redesignating paragraph (2) as paragraph (4); and

(3) by adding after paragraph (1) the following new paragraphs:

''(2)(A) In the case of a member of a board who is appointed or designated under subsection (b) or (c) on the basis of a particular status described in a paragraph under that subsection, the appointment or designation of that member terminates on the date on which the member ceases to hold that status. The preceding sentence applies only to members of the Armed Forces on active duty and employees of the United States.

''(B) Paragraph (1) does not apply with respect to an appointment or designation of a member of a board for a term of less than five years that is made in accordance with subsection (f).

''(3) A member of the Retirement Home Board and a member of a Local Board may be reappointed for one consecutive term by the Chairman of that board.''.

(b) DUAL COMPENSATION.—(1) Section 1517 (24 U.S.C. 417) is amended—

(A) by redesignating subsection (f) as subsection (g); and

(B) by inserting after subsection (e) the following new subsection (f):

''(f) DUAL COMPENSATION.—(1) The Retirement Home Board may waive the application of section 5532 of title 5, United States Code, to the Director of an establishment of the Retirement Home or any employee of the Retirement Home (to the extent that such section would otherwise apply to the Director or employee by reason of the employment as Director or employee). The Chairman of the Board shall notify the Secretary of the Treasury of any waiver exercised under the preceding sentence and the effective date of the waiver.

''(2) If the application of section 5532 of title 5, United States Code, to a Director or employee is waived under paragraph (1), the rate of pay payable out of the Retirement Home Trust Fund for the Director or employee shall be the amount equal to the excess, if any, of the periodic rate of pay fixed for the position of the Director or employee over the amount by which the retired or retainer pay payable to the Director or employee would have been reduced (computed on the basis of that periodic rate of pay for that position) if section 5532 of title 5, United States Code, had not been waived.

''(3)(A) In the case of a Director or employee paid at a rate of pay that is reduced under paragraph (2), the amounts deducted and withheld from pay for purposes of chapter 81, subchapter III of chapter 83, chapter 84, chapter 87, or chapter 89 of title 5, United States Code, all agency contributions required under such provisions of law, the maximum amount of contributions that may be made to the Thrift Saving Fund under subchapter III of chapter 84 of title 5, United States Code, the rate of disability compensation payable under subchapter I of chapter 81 of such title, the levels of life insurance coverage provided under chapter 87 of such title, and the amounts of annuities under subchapter III of chapter 83 of such title and subchapter II of chapter 84 of such title shall be computed as if the Director or employee were paid the full rate of pay fixed for the position of the Director or employee for the period for which the Director was paid at the reduced rate of pay under that paragraph.

''(B) If the amount payable to a Director or employee under paragraph (2) is less than the total amount required to be deducted and withheld from the pay of the Director or employee under a provision of law referred to in subparagraph (A), the amount of the deficiency shall be paid by the Director or employee. The participation or benefits available to a Director or employee who fails to pay a deficiency promptly shall be restricted in accordance with regulations which the Director of the Office of Personnel Management shall prescribe.

''(4) In this section, the term 'retired or retainer pay' has the meaning given such term in section 5531 of title 5, United States Code.''.

(2) Section 1516(f) (24 U.S.C. 416(f)) is amended—

(A) by inserting ''(1)'' after ''(f) ANNUAL REPORT.—''; and

(B) by adding at the end the following:

''(2) In addition to other matters covered by the annual report for a fiscal year, the annual report shall identify each Director or employee, if any, whose pay was reduced for any period during that fiscal year pursuant to an exercise of the waiver authority under section 1517(f), and shall include a discussion that demonstrates that the unreduced rate of pay established for the position of that Director or employee is comparable to the prevailing rates of pay provided for personnel in the retirement home industry who perform functions similar to those performed by the Director or employee.''.

(3) Subsection (f) of section 1517 (as added by paragraph (1)(B)) and subsection (f)(2) of section 1516 (as added by paragraph (2)(B)) shall apply with respect to pay periods beginning on or after January 1, 1997.

SEC. 585. FEES FOR RESIDENTS.

(a) ONE-YEAR DELAY IN IMPLEMENTATION OF NEW FEE STRUCTURE.—(1) Subsection (d)(2) of section 371 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2735; 24 U.S.C. 414 note) is amended by striking out ''October 1, 1997'' and inserting in lieu thereof ''October 1, 1998''.

(2) Subsection (b)(2)(B) of such section is amended by striking out ''1998'', ''1999'', and ''2000'' in paragraphs (1) and (2) of the subsection (d) that is set forth in such subsection (b)(2)(B) as an amendment to section 1514 of the Armed Forces Retirement Home Act of 1991 and inserting in lieu thereof ''1999'', ''2000'', and ''2001'', respectively.

(b) REPORT ON FUNDING THE ARMED FORCES RETIREMENT HOME.—(1) Not later than March 3, 1997, the Secretary of Defense shall submit to Congress a report on meeting the funding needs of the Armed Forces Retirement Home in a manner that is fair and equitable to the residents and to the members of the Armed Forces who provide required monthly contributions for the home.

(2) The report shall include the following:

(A) The increment between levels of income of a resident of the Armed Forces Retirement Home that is appropriate for applying the next higher monthly fee to a resident under a monthly fee structure for the residents of the home.

(B) The categories of income and disability payments that should generally be considered as monthly income for the purpose of determining the fee applicable to a resident and the conditions under which each such category should be considered as monthly income for such purpose.

(C) The degree of flexibility that should be provided the Armed Forces Retirement Home Board for the setting of fees for residents.

(D) A discussion of whether the Armed Forces Retirement Home Board has and should have authority to vary the fee charged a resident under exceptional circumstances, together with any recommended legislation regarding such an authority.

(E) A discussion of how to ensure fairness and equitable treatment of residents and of warrant officers and enlisted members of the Armed Forces in meeting the funding needs of the Armed Forces Retirement Home.

(F) The advisability of exercising existing authority to increase the amount deducted from the pay of warrant officers and enlisted personnel for the Armed Forces Retirement Home under section 1007(i) of title 37, United States Code.

(G) Options for ways to meet the funding needs of the Armed Forces Retirement Home without increasing the amount deducted from pay under section 1007(i) of title 37, United States Code.

(H) Any other matters that the Secretary of Defense, after the consultation required by paragraph (3), considers appropriate regarding funding of the Armed Forces Retirement Home.

(3) The Secretary shall consult the Armed Forces Retirement Home Board and the secretaries of the military departments in preparing the report under this subsection.

SEC. 586. AUTHORIZATION OF APPROPRIATIONS.

There is hereby authorized to be appropriated for fiscal year 1997 from the Armed Forces Retirement Home Trust Fund the sum of $57,345,000 for the operation of the Armed Forces Retirement Home.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

SEC. 601. MILITARY PAY RAISE FOR FISCAL YEAR 1997.

(a) WAIVER OF SECTION 1009 ADJUSTMENT.—Any adjustment required by section 1009 of title 37, United States Code, in elements of compensation of members of the uniformed services to become effective during fiscal year 1997 shall not be made.

(b) INCREASE IN BASIC PAY AND BAS.—Effective January 1, 1997, the rates of basic pay and basic allowance for subsistence of members of the uniformed services are increased by 3.0 percent.

(c) INCREASE IN BAQ.—Effective January 1, 1997, the rates of basic allowance for quarters of members of the uniformed services are increased by 4.0 percent.

SEC. 602. RATE OF CADET AND MIDSHIPMAN PAY.

Section 203(c) of title 37, United States Code, is amended—

(1) by striking out paragraph (2); and

(2) in paragraph (1), by striking out ''(1)''.

SEC. 603. PAY OF SENIOR NONCOMMISSIONED OFFICERS WHILE HOSPITALIZED.

(a) IN GENERAL.—Section 210 of title 37, United States Code, is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following new subsection (b):

''(b) A senior enlisted member of an armed force shall continue to be entitled to the rate of basic pay authorized for the senior enlisted member of that armed force while the member is hospitalized, beginning on the day of the hospitalization and ending on the day the member is discharged from the hospital, but not for more than 180 days.''.

(b) CLERICAL AMENDMENTS.—(1) The heading of such section is amended to read as follows:

''§ 210. Pay of the senior noncommissioned officer of an armed force during terminal leave and while hospitalized''.

(2) The item relating to such section in the table of sections at the beginning of chapter 3 of title 10, United States Code, is amended to read as follows:

''210. Pay of the senior noncommissioned officer of an armed force during terminal leave and while hospitalized.''.

SEC. 604. BASIC ALLOWANCE FOR QUARTERS FOR MEMBERS ASSIGNED TO SEA DUTY.

(a) ENTITLEMENT OF SINGLE MEMBERS ABOVE GRADE E–5.—Section 403(c)(2) of title 37, United States Code, is amended by striking out the second sentence.

(b) ENTITLEMENT OF CERTAIN SINGLE MEMBERS IN GRADE E–5.—Section 403(c)(2) of such title, as amended by subsection (a), is further amended by adding at the end the following: ''However, the Secretary concerned may authorize payment of the basic allowance for quarters to members of a uniformed service without dependents who are in pay grade E–5, are on sea duty, and are not provided Government quarters ashore.''.

(c) ENTITLEMENT WHEN BOTH SPOUSES IN GRADES BELOW GRADE E–6 ARE ASSIGNED TO SEA DUTY.—Section 403(c)(2) of such title, as amended by subsections (a) and (b), is further amended—

(1) by inserting ''(A)'' after ''(2)''; and

(2) by adding at the end the following: ''Notwithstanding section 421 of this title, two members of the uniformed services in pay grades below E–6 who are married to each other, have no dependent other than the spouse, and are simultaneously assigned to sea duty on ships are jointly entitled to one basic allowance for quarters at the rate provided for members with dependents in the highest pay grade in which either spouse is serving.''.

(d) EFFECTIVE DATE.—The amendments made by subsections (a), (b), and (c) shall take effect on October 1, 1996.

SEC. 605. UNIFORM APPLICABILITY OF DISCRETION TO DENY AN ELECTION NOT TO OCCUPY GOVERNMENT QUARTERS.

Section 403(b)(3) of title 37, United States Code, is amended by striking out ''A member'' and inserting in lieu thereof ''Subject to the provisions of subsection (j), a member''.

SEC. 606. FAMILY SEPARATION ALLOWANCE FOR MEMBERS SEPARATED BY MILITARY ORDERS FROM SPOUSES WHO ARE MEMBERS.

Section 427(b) of title 37, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking out ''or'' at the end of subparagraph (B);

(B) by striking out the period at the end of subparagraph (C) and inserting in lieu thereof ''; or''; and

(C) by adding at the end the following:

''(D) the member is married to a member of a uniformed service, the member has no dependent other than the spouse, the two members are separated by reason of the execution of military orders, and the two members were residing together immediately before being separated by reason of execution of military orders.''; and

(2) by adding at the end the following:

''(5) Section 421 of this title does not apply to bar an entitlement to an allowance under paragraph (1)(D). However, not more than one monthly allowance may be paid with respect to a married couple under paragraph (1)(D) for any month.''.

SEC. 607. WAIVER OF TIME LIMITATIONS FOR CLAIM FOR PAY AND ALLOWANCES.

Section 3702 of title 31, United States Code, is amended by adding at the end the following:

''(e)(1) Upon the request of the Secretary concerned (as defined in section 101 of title 37), the Comptroller General may waive the time limitations set forth in subsection (b) or (c) in the case of a claim for pay or allowances provided under title 37 and, subject to paragraph (2), settle the claim.

''(2) Payment of a claim settled under paragraph (1) shall be subject to the availability of appropriations for payment of that particular claim.

''(3) This subsection does not apply to a claim in excess of $25,000.''.

Subtitle B—Bonuses and Special and Incentive Pays

SEC. 611. EXTENSION OF CERTAIN BONUSES FOR RESERVE FORCES.

(a) SPECIAL PAY FOR CRITICALLY SHORT WARTIME HEALTH SPECIALISTS IN THE SELECTED RESERVES.—Section 302g(f) of title 37, United States Code, is amended by striking out ''September 30, 1997'' and inserting in lieu thereof ''September 30, 1998''.

(b) SELECTED RESERVE REENLISTMENT BONUS.—Section 308b(f) of title 37, United States Code, is amended by striking out ''September 30, 1997'' and inserting in lieu thereof ''September 30, 1998''.

(c) SELECTED RESERVE ENLISTMENT BONUS.—Section 308c(e) of title 37, United States Code, is amended by striking out ''September 30, 1997'' and inserting in lieu thereof ''September 30, 1998''.

(d) SPECIAL PAY FOR ENLISTED MEMBERS OF THE SELECTED RESERVE ASSIGNED TO CERTAIN HIGH PRIORITY UNITS.—Section 308d(c) of title 37, United States Code, is amended by striking out ''September 30, 1997'' and inserting in lieu thereof ''September 30, 1998''.

(e) SELECTED RESERVE AFFILIATION BONUS.—Section 308e(e) of title 37, United States Code, is amended by striking out ''September 30, 1997'' and inserting in lieu thereof ''September 30, 1998''.

(f) READY RESERVE ENLISTMENT AND REENLISTMENT BONUS.—Section 308h(g) of title 37, United States Code, is amended by striking out ''September 30, 1997'' and inserting in lieu thereof ''September 30, 1998''.

(g) PRIOR SERVICE ENLISTMENT BONUS.—Section 308i(i) of title 37, United States Code, is amended by striking out ''September 30, 1997'' and inserting in lieu thereof ''September 30, 1998''.

SEC. 612. EXTENSION OF CERTAIN BONUSES AND SPECIAL PAY FOR NURSE OFFICER CANDIDATES, REGISTERED NURSES, AND NURSE ANESTHETISTS.

(a) NURSE OFFICER CANDIDATE ACCESSION PROGRAM.—Section 2130a(a)(1) of title 10, United States Code, is amended by striking out ''September 30, 1997'' and inserting in lieu thereof ''September 30, 1998''.

(b) ACCESSION BONUS FOR REGISTERED NURSES.—Section 302d(a)(1) of title 37, United States Code, is amended by striking out ''September 30, 1997'' and inserting in lieu thereof ''September 30, 1998''.

(c) INCENTIVE SPECIAL PAY FOR NURSE ANESTHETISTS.—Section 302e(a)(1) of title 37, United States Code, is amended by striking out ''September 30, 1997'' and inserting in lieu thereof ''September 30, 1998''.

SEC. 613. EXTENSION OF AUTHORITY RELATING TO PAYMENT OF OTHER BONUSES AND SPECIAL PAYS.

(a) AVIATION OFFICER RETENTION BONUS.—Section 301b(a) of title 37, United States Code, is amended by striking out ''September 30, 1997'' and inserting in lieu thereof ''September 30, 1998,''.

(b) REENLISTMENT BONUS FOR ACTIVE MEMBERS.—Section 308(g) of title 37, United States Code, is amended by striking out ''September 30, 1997'' and inserting in lieu thereof ''September 30, 1998''.

(c) ENLISTMENT BONUSES FOR CRITICAL SKILLS.—Sections 308a(c) and 308f(c) of title 37, United States Code, are each amended by striking out ''September 30, 1997'' and inserting in lieu thereof ''September 30, 1998''.

(d) SPECIAL PAY FOR NUCLEAR QUALIFIED OFFICERS EXTENDING PERIOD OF ACTIVE SERVICE.—Section 312(e) of title 37, United States Code, is amended by striking out ''September 30, 1997'' and inserting in lieu thereof ''September 30, 1998''.

(e) NUCLEAR CAREER ACCESSION BONUS.—Section 312b(c) of title 37, United States

Code, is amended by striking out ''September 30, 1997'' and inserting in lieu thereof ''September 30, 1998''.

(f) NUCLEAR CAREER ANNUAL INCENTIVE BONUS.—Section 312c(d) of title 37, United States Code, is amended by striking out ''October 1, 1997'' and inserting in lieu thereof ''October 1, 1998''.

(g) REPAYMENT OF EDUCATION LOANS FOR CERTAIN HEALTH PROFESSIONALS WHO SERVE IN THE SELECTED RESERVE.—Section 16302(d) of title 10, United States Code, is amended by striking out ''October 1, 1997'' and inserting in lieu thereof ''October 1, 1998''.

SEC. 614. INCREASED SPECIAL PAY FOR DENTAL OFFICERS OF THE ARMED FORCES.

(a) INCREASED RATES.—Section 302b(a) of title 37, United States Code, is amended—

(1) in paragraph (2)—

(A) in subparagraph (A), by striking out ''$1,200'' and inserting in lieu thereof ''$3,000'';

(B) in subparagraph (B), by striking out ''$2,000'' and inserting in lieu thereof ''$7,000''; and

(C) in subparagraph (C), by striking out ''$4,000'' and inserting in lieu thereof ''$7,000'';

(2) in paragraph (4), by redesignating subparagraphs (A), (B), and (C) as subparagraphs (B), (C), and (D), respectively, and by inserting before subparagraph (B), as so redesignated, the following new subparagraph (A):

''(A) $4,000 per year, if the officer has less than three years of creditable service.''; and

(3) in paragraph (5)—

(A) in subparagraph (A)—

(i) by striking out ''$2,000'' and inserting in lieu thereof ''$2,500''; and

(ii) by striking out ''12 years'' and inserting in lieu thereof ''10 years'';

(B) in subparagraph (B)—

(i) by striking out ''$3,000'' and inserting in lieu thereof ''$3,500''; and

(ii) by striking out ''12 but less than 14 years'' and inserting in lieu thereof ''10 but less than 12 years''; and

(C) in subparagraph (C), by striking out ''14 or more years'' and inserting in lieu thereof ''12 or more years''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 1996.

SEC. 615. RETENTION SPECIAL PAY FOR PUBLIC HEALTH SERVICE OPTOMETRISTS.

Section 302a(b) of title 37, United States Code, is amended—

(1) in paragraph (2)—

(A) by striking out ''an armed force'' in the matter preceding subparagraph (A) and inserting in lieu thereof ''a uniformed service''; and

(B) by striking out ''of the military department'' in subparagraph (C); and

(2) in paragraph (4), by striking out ''of the military department''.

SEC. 616. SPECIAL PAY FOR NONPHYSICIAN HEALTH CARE PROVIDERS IN THE PUBLIC HEALTH SERVICE.

Section 302c(d) of title 37, United States Code, is amended—

(1) in the matter preceding paragraph (1), by striking out ''Secretary of Defense'' and inserting in lieu thereof ''Secretary concerned''; and

(2) in paragraph (1)—

(A) by striking out ''or'' the third place it appears; and

(B) by inserting before the period at the end the following: '', or an officer in the Regular or Reserve Corps of the Public Health Service''.

SEC. 617. FOREIGN LANGUAGE PROFICIENCY PAY FOR PUBLIC HEALTH SERVICE AND NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION OFFICERS.

(a) ELIGIBILITY.—Section 316 of title 37, United States Code, is amended in subsection (a)—

(1) in the matter preceding paragraph (1), by striking out ''armed forces'' and inserting in lieu thereof ''uniformed services'';

(2) in paragraph (2)—

(A) by striking out ''Secretary of Defense'' and inserting in lieu thereof ''Secretary concerned''; and

(B) by inserting ''or public health'' after ''national defense''; and

(3) in paragraph (3)—

(A) in subparagraph (A), by striking out ''military'' and inserting in lieu thereof ''uniformed services'';

(B) in subparagraph (C), by striking out ''military''; and

(C) in subparagraph (D)—

(i) by striking out ''Department of Defense'' and inserting in lieu thereof ''uniformed service''; and

(ii) by striking out ''Secretary of Defense'' and inserting in lieu thereof ''Secretary concerned''.

(b) ADMINISTRATION.—Subsection (d) of such section is amended—

(1) by striking out ''his jurisdiction and'' and inserting in lieu thereof ''the Secretary's jurisdiction,''; and

(2) by inserting before the period at the end '', by the Secretary of Health and Human Services for the Commissioned Corps of the Public Health Service, and by the Secretary of Commerce for the National Oceanic and Atmospheric Administration''.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on October 1, 1996, and apply with respect to months beginning on or after such date.

Subtitle C—Travel and Transportation Allowances

SEC. 621. ROUND TRIP TRAVEL ALLOWANCES FOR SHIPPING MOTOR VEHICLES AT GOVERNMENT EXPENSE.

(a) IN GENERAL.—Section 406(b)(1)(B) of title 37, United States Code, is amended as follows—

(1) in clause (i)(I), by inserting '', including return travel to the old duty station,'' after ''nearest the old duty station''; and

(2) in clause (ii), by inserting '', including travel from the new duty station to the port of debarkation to pick up the vehicle'' after ''to the new duty station''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on April 1, 1997.

SEC. 622. OPTION TO STORE INSTEAD OF TRANSPORT A PRIVATELY OWNED VEHICLE AT THE EXPENSE OF THE UNITED STATES.

(a) IN GENERAL.—Section 2634 of title 10, United States Code, is amended—

(1) by redesignating subsection (b) as subsection (g);

(2) by transferring subsection (g), as so redesignated, to the end of such section; and

(3) by inserting after subsection (a) the following new subsection (b):

''(b) When a member is ordered to make a change of permanent station to a foreign country and the member is authorized under subsection (a) to have a vehicle transported under that subsection, the Secretary may authorize the member to store the vehicle (instead of having it transported) if restrictions imposed by the foreign country or the United States preclude entry of the vehicle into that country or require extensive modification of the vehicle as a condition for entry of the vehicle into the country. The cost of the storage of the vehicle, and costs associated with the delivery of the vehicle for storage and removal of the vehicle for delivery from storage shall be paid by the United States. Costs paid under this subsection may not exceed reasonable amounts, as determined under regulations prescribed by the Secretary of Defense (and the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy).''.

(b) UNACCOMPANIED TOURS.—Subsection (h)(1)(B) of section 406 of title 37, United States Code, is amended to read as follows:

''(B) in the case of a member described in paragraph (2)(A), authorize the transportation of one motor vehicle that is owned by the member (or a dependent of a member) and is for his dependent's personal use to that location by means of transportation authorized under section 2634 of title 10, or authorize storage of such motor vehicle if the storage of the motor vehicle is otherwise authorized under that section.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1996.

SEC. 623. DEFERRAL OF TRAVEL WITH TRAVEL AND TRANSPORTATION ALLOWANCES IN CONNECTION WITH LEAVE BETWEEN CONSECUTIVE OVERSEAS TOURS.

(a) AUTHORITY FOR ADDITIONAL DEFERRAL OF TRAVEL.—Section 411b(a)(2) of title 37, United States Code, is amended by adding at the end the following: ''A member may defer the travel for one additional year if, due to participation in a contingency operation, the member is unable to commence the travel within the one-year period provided for under the preceding sentence.''.

(b) EFFECTIVE DATE.—The amendment made by subsection shall (a) take effect as of November 1, 1995, and shall apply with respect to members of the uniformed services who, on or after that date, participate in critical operational missions, as determined under the third sentence of section 411b(a)(2) of title 37, United States Code (as added by subsection (a)).

SEC. 624. FUNDING FOR TRANSPORTATION OF HOUSEHOLD EFFECTS OF PUBLIC HEALTH SERVICE OFFICERS.

Section 406(j)(1) of title 37, United States Code, is amended in the first sentence—

(1) by inserting '', and appropriations available to the Department of Health and Human Services for providing transportation of household effects of members of the Commissioned Corps of the Public Health Service under subsection (b),'' after ''members of the armed forces under subsection (b)''; and

(2) by striking out ''of the military department''.

Subtitle D—Retired Pay, Survivor Benefits, and Related Matters

SEC. 631. EFFECTIVE DATE FOR MILITARY RETIREE COST-OF-LIVING ADJUSTMENT FOR FISCAL YEAR 1998.

(a) REPEAL OF ADJUSTMENT OF EFFECTIVE DATE FOR FISCAL YEAR 1998.—Section 1401a(b)(2)(B) of title 10, United States Code, is amended—

(1) by striking out ''(B) SPECIAL RULES'' and all that follows through ''In the case of'' in clause (i) and inserting in lieu thereof ''(B) SPECIAL RULE FOR FISCAL YEAR 1996.—In the case of''; and

(2) by striking out clause (ii).

(b) REPEAL OF CONTINGENT ALTERNATIVE DATE FOR FISCAL YEAR 1998.—Section 631 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 364) is amended by striking out subsection (b).

SEC. 632. ALLOTMENT OF RETIRED OR RETAINER PAY.

(a) AUTHORITY.—(1) Part II of subtitle A of title 10, United States Code, is amended by

inserting after chapter 71 the following new chapter:

"CHAPTER 72—MISCELLANEOUS RETIRED AND RETAINER PAY AUTHORITIES

''Sec.
''1421. Allotments.

"§ 1421. Allotments

''(a) AUTHORITY.—Subject to such conditions and restrictions as may be provided in regulations prescribed under subsection (b), a member or former member of the armed forces entitled to retired or retainer pay may transfer or assign the member or former member's retired or retainer pay account when due and payable.

''(b) REGULATIONS.—The Secretaries of the military departments and the Secretary of Transportation (with respect to the Coast Guard when it is not operating as a service in the Navy) shall prescribe uniform regulations for the administration of subsection (a).''.

(2) The tables of chapters at the beginning of subtitle A of such title and the beginning of part II of such subtitle are amended by inserting after the item relating to chapter 71 the following:

''72. Miscellaneous retired and retainer pay authorities ..... 1421''.

(b) IMPLEMENTATION.—(1) Notwithstanding section 1421 of title 10, United States Code (as added by subsection (a)), a person entitled to retired or retainer pay may not initiate a transfer or assignment of retired or retainer pay under such section until regulations prescribed under subsection (b) of such section take effect.

(2) The Secretaries of the military departments and the Secretary of Transportation shall prescribe regulations under subsection (b) of such section that ensure that, beginning not later than October 1, 1997, a person may make up to six transfers or assignments of the person's retired or retainer pay account when due and payable for payment of any financial obligations.

SEC. 633. COST-OF-LIVING INCREASES IN SBP CONTRIBUTIONS TO BE EFFECTIVE CONCURRENTLY WITH PAYMENT OF RELATED RETIRED PAY COST-OF-LIVING INCREASES.

(a) SURVIVOR BENEFIT PLAN.—Section 1452(h) of title 10, United States Code, is amended—

(1) by inserting ''(1)'' after ''(h)''; and

(2) by adding at the end the following new subsection:

''(2)(A) Notwithstanding paragraph (1), when the initial payment of an increase in retired pay under section 1401a of this title (or any other provision of law) to a person is later than the effective date of that increase by reason of the application of subsection (b)(2)(B) of such section (or section 631(b) of Public Law 104–106 (110 Stat. 364)), then the amount of the reduction in the person's retired pay shall be effective on the date of that initial payment of the increase in retired pay rather than the effective date of the increase in retired pay.

''(B) Subparagraph (A) may not be construed as delaying, for purposes of determining the amount of a monthly annuity under section 1451 of this title, the effective date of an increase in a base amount under subsection (h) of such section from the effective date of an increase in retired pay under section 1401a of this title to the date on which the initial payment of that increase in retired pay is made in accordance with subsection (b)(2)(B) of such section 1401a.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect with respect to retired pay payable for months beginning on or after the date of the enactment of this Act.

SEC. 634. ANNUITIES FOR CERTAIN MILITARY SURVIVING SPOUSES.

(a) SURVIVOR ANNUITY.—(1) The Secretary concerned shall pay an annuity to the qualified surviving spouse of each member of the uniformed services who—

(A) died before March 21, 1974, and was entitled to retired or retainer pay on the date of death; or

(B) was a member of a reserve component of the Armed Forces during the period beginning on September 21, 1972, and ending on October 1, 1978, and at the time of his death would have been entitled to retired pay under chapter 67 of title 10, United States Code (as in effect before December 1, 1994), but for the fact that he was under 60 years of age.

(2) A qualified surviving spouse for purposes of this section is a surviving spouse who has not remarried and who is not eligible for an annuity under section 4 of Public Law 92–425 (10 U.S.C. 1448 note).

(b) AMOUNT OF ANNUITY.—(1) An annuity under this section shall be paid at the rate of $165 per month, as adjusted from time to time under paragraph (3).

(2) An annuity paid to a surviving spouse under this section shall be reduced by the amount of any dependency and indemnity compensation (DIC) to which the surviving spouse is entitled under section 1311(a) of title 38, United States Code.

(3) Whenever after the date of the enactment of this Act retired or retainer pay is increased under section 1401a(b)(2) of title 10, United States Code, each annuity that is payable under this section shall be increased at the same time and by the same total percent. The amount of the increase shall be based on the amount of the monthly annuity payable before any reduction under this section.

(c) APPLICATION REQUIRED.—No benefit shall be paid to any person under this section unless an application for such benefit is filed with the Secretary concerned by or on behalf of such person.

(d) DEFINITIONS.—For purposes of this section:

(1) The terms ''uniformed services'' and ''Secretary concerned'' have the meanings given such terms in section 101 of title 37, United States Code.

(2) The term ''surviving spouse'' has the meaning given the terms ''widow'' and ''widower'' in paragraphs (3) and (4) of section 1447 of title 10, United States Code.

(e) PROSPECTIVE APPLICABILITY.—(1) Annuities under this section shall be paid for months beginning after the month in which this Act is enacted.

(2) No benefit shall accrue to any person by reason of the enactment of this section for any period before the first month referred to in paragraph (1).

(f) EXPIRATION OF AUTHORITY.—The authority to pay annuities under this section shall expire on September 30, 2001.

SEC. 635. ADJUSTED ANNUAL INCOME LIMITATION APPLICABLE TO ELIGIBILITY FOR INCOME SUPPLEMENT FOR CERTAIN WIDOWS OF MEMBERS OF THE UNIFORMED SERVICES.

Section 4 of Public Law 92–425 (10 U.S.C. 1448 note) is amended by striking out ''$2,340'' in subsection (a)(3) and in the first sentence of subsection (b) and inserting in lieu thereof ''$5,448''.

SEC. 636. PREVENTION OF CIRCUMVENTION OF COURT ORDER BY WAIVER OF RETIRED PAY TO ENHANCE CIVIL SERVICE RETIREMENT ANNUITY.

(a) CIVIL SERVICE RETIREMENT AND DISABILITY SYSTEM.—

(1) IN GENERAL.—Subsection (c) of section 8332 of title 5, United States Code, is amended by adding at the end the following:

''(4) If an employee or Member waives retired pay that is subject to a court order for which there has been effective service on the Secretary concerned for purposes of section 1408 of title 10, the military service on which the retired pay is based may be credited as service for purposes of this subchapter only if, in accordance with regulations prescribed by the Director of the Office of Personnel Management, the employee or Member authorizes the Director to deduct and withhold from the annuity payable to the employee or Member under this subchapter, and to pay to the former spouse covered by the court order, the same amount that would have been deducted and withheld from the employee's or Member's retired pay and paid to that former spouse under such section 1408.''.

(2) CONFORMING AMENDMENT.—Paragraph (1) of such subsection is amended by striking ''Except as provided in paragraph (2)'' and inserting ''Except as provided in paragraphs (2) and (4)''.

(b) FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—

(1) IN GENERAL.—Subsection (c) of section 8411 of title 5, United States Code, is amended by adding at the end the following:

''(5) If an employee or Member waives retired pay that is subject to a court order for which there has been effective service on the Secretary concerned for purposes of section 1408 of title 10, the military service on which the retired pay is based may be credited as service for purposes of this chapter only if, in accordance with regulations prescribed by the Director of the Office of Personnel Management, the employee or Member authorizes the Director to deduct and withhold from the annuity payable to the employee or Member under this subchapter, and to pay to the former spouse covered by the court order, the same amount that would have been deducted and withheld from the employee's or Member's retired pay and paid to that former spouse under such section 1408.''.

(2) CONFORMING AMENDMENT.—Paragraph (1) of such subsection is amended by striking ''Except as provided in paragraph (2) or (3)'' and inserting ''Except as provided in paragraphs (2), (3), and (5)''.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on January 1, 1997.

Subtitle E—Other Matters

SEC. 641. REIMBURSEMENT FOR ADOPTION EXPENSES INCURRED IN ADOPTIONS THROUGH PRIVATE PLACEMENTS.

(a) DEPARTMENT OF DEFENSE.—Section 1052(g)(1) of title 10, United States Code, is amended by striking out ''adoption or by a nonprofit, voluntary adoption agency which is authorized by State or local law to place children for adoption'' and inserting in lieu thereof ''adoption, by a nonprofit, voluntary adoption agency which is authorized by State or local law to place children for adoption, or by any other source if the adoption is supervised by a court under State or local law''.

(b) COAST GUARD.—Section 514(g)(1) of title 14, United States Code, is amended by striking out ''adoption or by a nonprofit, voluntary adoption agency which is authorized by State or local law to place children for adoption'' and inserting in lieu thereof ''adoption, by a nonprofit, voluntary adoption agency which is authorized by State or local law to place children for adoption, or by any other source if the adoption is supervised by a court under State or local law''.

SEC. 642. WAIVER OF RECOUPMENT OF AMOUNTS WITHHELD FOR TAX PURPOSES FROM CERTAIN SEPARATION PAY RECEIVED BY INVOLUNTARILY SEPARATED MEMBERS AND FORMER MEMBERS OF THE ARMED FORCES.

(a) IN GENERAL.—Section 1174(h) of title 10, United States Code, is amended—

(1) in paragraph (1), by inserting ''(less the amount of Federal income tax withheld from such pay)'' before the period at the end; and

(2) in paragraph (2), by inserting ''(less the amount of Federal income tax withheld from such pay)'' before the period at the end of the first sentence.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1996, and shall apply to payments of separation pay, severance pay, or readjustment pay that are made after October 1, 1996.

SEC. 643. PAYMENT TO VIETNAMESE COMMANDOS CAPTURED AND INTERNED BY NORTH VIETNAM.

(a) PAYMENT AUTHORIZED.—(1) The Secretary of Defense shall make a payment to any person who demonstrates that he or she was captured and incarcerated by the Democratic Republic of Vietnam after having entered into the territory of the Democratic Republic of Vietnam pursuant to operations conducted under OPLAN 34A or its predecessor.

(2) No payment may be made under this section to any individual who the Secretary of Defense determines, based on the available evidence, served in the Peoples Army of Vietnam or who provided active assistance to the Government of the Democratic Republic of Vietnam during the period 1958 through 1975.

(3) In the case of a decedent who would have been eligible for a payment under this section if the decedent had lived, the payment shall be made to survivors of the decedent in the order in which the survivors are listed, as follows:

(A) To the surviving spouse.

(B) If there is no surviving spouse, to the surviving children (including natural children and adopted children) of the decedent, in equal shares.

(b) AMOUNT PAYABLE.—The amount payable to or with respect to a person under this section is $40,000.

(c) TIME LIMITATIONS.—(1) In order to be eligible for payment under this section, the claimant must file his or her claim with the Secretary of Defense within 18 months of the effective date of the regulations implementing this section.

(2) Not later than 18 months after the Secretary receives a claim for payment under this section—

(A) the claimant's eligibility for payment of the claim under subsection (a) shall be determined; and

(B) if the claimant is determined eligible, the claim shall be paid.

(d) DETERMINATION AND PAYMENT OF CLAIMS.—(1) SUBMISSION AND DETERMINATION OF CLAIMS.—The Secretary of Defense shall establish by regulation procedures whereby individuals may submit claims for payment under this section. Such regulations shall be issued within 6 months of the date of enactment of this Act.

(2) PAYMENT OF CLAIMS.—The Secretary of Defense, in consultation with the other affected agencies, may establish guidelines for determining what constitutes adequate documentation that an individual was captured and incarcerated by the Democratic Republic of Vietnam after having entered the territory of the Democratic Republic of Vietnam pursuant to operations conducted under OPLAN 34A or its predecessor.

(e) AUTHORIZATION OF APPROPRIATIONS.—Of the total amount authorized to be appropriated under section 301, $20,000,000 is available for payments under this section. Notwithstanding section 301, that amount is authorized to be appropriated so as to remain available until expended.

(f) PAYMENT IN FULL SATISFACTION OF CLAIMS AGAINST THE UNITED STATES.—The acceptance of payment by an individual under this section shall be in full satisfaction of all claims by or on behalf of that individual against the United States arising from operations under OPLAN 34A or its predecessor.

(g) ATTORNEY FEES.—Notwithstanding any contract, the representative of an individual may not receive, for services rendered in connection with the claim of an individual under this section, more than ten percent of a payment made under this section on such claim.

(h) NO RIGHT TO JUDICIAL REVIEW.—All determinations by the Secretary of Defense pursuant to this section are final and conclusive, notwithstanding any other provision of law. Claimants under this program have no right to judicial review, and such review is specifically precluded.

(i) REPORTS.—(1) No later than 24 months after the enactment of this Act, the Secretary of Defense shall submit a report to the Congress on the payment of claims pursuant to this section.

(2) No later than 42 months after the enactment of this Act, the Secretary of Defense shall submit a final report to the Congress on the payment of claims pursuant to this section.

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—General

SEC. 701. IMPLEMENTATION OF REQUIREMENT FOR SELECTED RESERVE DENTAL INSURANCE PLAN.

(a) IMPLEMENTATION BY CONTRACT.—Section 1076b(a) of title 10, United States Code, is amended—

(1) by inserting ''(1)'' after ''(a) AUTHORITY TO ESTABLISH PLAN.—'';

(2) by designating the third sentence as paragraph (3); and

(3) by inserting after paragraph (1), as designated by paragraph (1) of this subsection, the following:

''(2) The Secretary shall provide benefits under the plan through one or more contracts awarded after full and open competition.''.

(b) SCHEDULE FOR IMPLEMENTATION.—Section 705(b) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 373; 10 U.S.C. 1076b note) is amended—

(1) by striking out ''Beginning not later than October 1, 1996'' in the first sentence and inserting in lieu thereof ''During fiscal year 1997'';

(2) by striking out ''fiscal year 1996'' both places it appears and inserting in lieu thereof ''fiscal years 1996 and 1997''; and

(3) in the second sentence, by striking out ''by that date'' and inserting in lieu thereof ''during fiscal year 1997''.

SEC. 702. DENTAL INSURANCE PLAN FOR MILITARY RETIREES AND CERTAIN DEPENDENTS.

(a) IN GENERAL.—(1) Chapter 55 of title 10, United States Code, is amended by inserting after section 1076b the following new section:

''§ 1076c. Military retirees' dental insurance plan

''(a) REQUIREMENT.—(1) The Secretary of Defense shall establish a dental insurance plan for—

''(A) members and former members of the armed forces who are entitled to retired or retainer pay;

''(B) members of the Retired Reserve who, except for not having attained 60 years of age, would be entitled to retired pay; and

''(C) eligible dependents of members and former members covered by the enrollment of such members or former members in the plan.

''(2) The dental insurance plan shall provide for voluntary enrollment of participants and shall authorize a member or former member to enroll for self only or for self and eligible dependents.

''(3) The plan shall be administered under regulations prescribed by the Secretary of Defense, in consultation with the Secretary of Transportation.

''(b) PREMIUMS.—(1) Subject to paragraph (2), a member or former member enrolled in the dental insurance plan shall pay the premiums charged for the insurance coverage. The amount of the premiums payable by a member or former member entitled to retired or retainer pay shall be deducted and withheld from the retired or retainer pay and shall be disbursed to pay the premiums. The regulations prescribed under subsection (a)(3) shall specify the procedures for payment of the premiums by other enrolled members and former members.

''(2) The Secretary of Defense may provide for premium-sharing between the Department of Defense and the members and former members enrolled in the plan.

''(c) BENEFITS AVAILABLE UNDER PLAN.—The dental insurance plan established under subsection (a) shall provide benefits for basic dental care and treatment, including diagnostic services, preventative services, basic restorative services (including endodontics), surgical services, and emergency services.

''(d) COVERAGE.—(1) The Secretary shall prescribe a minimum required period for enrollment by a member or former member in the dental insurance plan established under subsection (a).

''(2) The Secretary shall terminate the enrollment in the plan of any member or former member, and any dependents covered by the enrollment, upon the occurrence of one of the following events:

''(A) Termination of the member or former member's entitlement to retired pay or retainer pay.

''(B) Termination of the member or former member's status as a member of the Retired Reserve.

''(e) CONTINUATION OF DEPENDENTS' ENROLLMENT UPON DEATH OF ENROLLEE.—Coverage of a dependent under an enrollment of a member or former member who dies during the period of enrollment shall continue until the end of that period, except that the coverage may be terminated on any earlier date when the premiums paid are no longer sufficient to cover continuation of the enrollment. The Secretary shall prescribe in regulations the parties responsible for paying the remaining premiums due on the enrollment and the manner for collection of the premiums.

''(f) ELIGIBLE DEPENDENT DEFINED.—In this section, the term 'eligible dependent' means a dependent described in subparagraph (A), (D), or (I) of section 1072(2) of this title.''.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1076b the following new item:

''1076c. Military retirees' dental insurance plan.''.

(b) IMPLEMENTATION.—Beginning not later than October 1, 1997, the Secretary of Defense shall offer members and former members of the Armed Forces referred to in subsection (a)(1) of section 1076c of title 10, United States Code (as added by subsection (a)(1) of this section), the opportunity to enroll in the dental insurance plan required under such section and to receive the benefits under the plan immediately upon enrollment.

SEC. 703. UNIFORM COMPOSITE HEALTH CARE SYSTEM SOFTWARE.

(a) REQUIREMENT FOR USE OF UNIFORM SOFTWARE.—The Secretary of Defense, in consultation with the other administering Secretaries, shall take such action as is necessary promptly—

(1) to provide a uniform software package for use by providers of health care under the TRICARE program and by military treatment facilities for the computerized processing of information; and

(2) to require such providers to use the uniform software package in connection with providing health care under the TRICARE program or otherwise under chapter 55 of title 10, United States Code.

(b) CONTENT OF UNIFORM SOFTWARE PACKAGE.—The uniform software package required to be used under subsection (a) shall, at a minimum, provide for processing of the following information:

(1) TRICARE program enrollment.

(2) Determinations of eligibility for health care.

(3) Provider network information.

(4) Eligibility of beneficiaries to receive health benefits from other sources.

(5) Appointment scheduling.

(c) MODIFICATION OF CONTRACTS.—Notwithstanding any other provision of law, the Secretary may modify any existing contract with a health care provider under the TRICARE program as necessary to require the health care provider to use the uniform software package required under subsection (a).

(d) DEFINITIONS.—In this section:

(1) The term ''administering Secretaries'' has the meaning given such term in section 1072(3) of title 10, United States Code.

(2) The term ''military treatment facility''—

(A) means a facility of the uniformed services in which health care is provided under chapter 55 of title 10, United States Codes; and

(B) includes a facility deemed to be a facility of the uniformed services by virtue of section 911(a) of the Military Construction Authorization Act, 1982 (42 U.S.C. 248c(a)).

(3) The term ''TRICARE program'' means the managed health care program that is established by the Secretary of Defense under the authority of chapter 55 of title 10, United States Code, principally section 1097 of such title, and includes the competitive selection of contractors to financially underwrite the delivery of health care services under the Civilian Health and Medical Program of the Uniformed Services.

SEC. 704. ENHANCEMENT OF THIRD-PARTY COLLECTION AND SECONDARY PAYER AUTHORITIES UNDER CHAMPUS.

(a) RETENTION AND USE BY TREATMENT FACILITIES OF AMOUNTS COLLECTED.—Subsection (g)(1) of section 1095 of title 10, United States Code, is amended by inserting ''or through'' after ''provided at''.

(b) EXPANSION OF DEFINITION OF THIRD PARTY PAYER.—Subsection (h) of such section is amended—

(1) in the first sentence of paragraph (1), by inserting ''and a workers' compensation program or plan'' before the period; and

(2) in paragraph (2)—

(A) by striking out ''organization and'' and inserting in lieu thereof a ''organization,''; and

(B) by inserting '', and a personal injury protection plan or medical payments benefit plan for personal injuries resulting from the operation of a motor vehicle'' before the period.

(c) APPLICABILITY OF SECONDARY PAYER REQUIREMENT.—Section 1079(j)(1) of such title is amended by inserting '', including any plan offered by a third party payer (as defined in section 1095(h)(1) of this title),'' after ''or health plan''.

SEC. 705. CODIFICATION OF AUTHORITY TO CREDIT CHAMPUS COLLECTIONS TO PROGRAM ACCOUNTS.

(a) CREDITS TO CHAMPUS ACCOUNTS.—Chapter 55 of title 10, United States Code, is amended by inserting after section 1079 the following:

''§ 1079a. Crediting of CHAMPUS collections to program accounts

''All refunds and other amounts collected by or for the United States in the administration of the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) shall be credited to the appropriation available for that program for the fiscal year in which collected.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1079 the following new item:

''1079a. Crediting of CHAMPUS collections to program accounts.''.

SEC. 706. COMPTROLLER GENERAL REVIEW OF HEALTH CARE ACTIVITIES OF THE DEPARTMENT OF DEFENSE RELATING TO PERSIAN GULF ILLNESSES.

(a) MEDICAL RESEARCH AND CLINICAL CARE PROGRAMS.—The Comptroller General shall analyze the effectiveness of the medical research programs and clinical care programs of the Department of Defense that relate to illnesses that might have been contracted by members of the Armed Forces as a result of service in the Southwest Asia theater of operations during the Persian Gulf War.

(b) EXPERIMENTAL DRUGS.—The Comptroller General shall analyze the scope and effectiveness of the policies of the Department of Defense with respect to the investigational use of drugs, the experimental use of drugs, and the use of drugs not approved by the Food and Drug Administration to treat illnesses referred to in subsection (a).

(c) ADMINISTRATION OF MEDICAL RECORDS.—The Comptroller General shall analyze the administration of medical records by the military departments in order to assess the extent to which such records accurately reflect the pre-deployment medical assessments, immunization records, informed consent releases, complaints during routine sick call, emergency room visits, visits with unit medics during deployment, and other relevant medical information relating to the members and former members referred to in subsection (a) with respect to the illnesses referred to in that subsection.

(d) REPORTS.—The Comptroller General shall submit to Congress a separate report on each of the analyses required under subsections (a), (b), and (c). The Comptroller General shall submit the reports not later than March 1, 1997.

SEC. 707. RESTORATION OF PREVIOUS POLICY REGARDING RESTRICTIONS ON USE OF DEPARTMENT OF DEFENSE MEDICAL FACILITIES.

Section 1093 of title 10, United States Code, is amended—

(1) by striking out subsection (b); and

(2) in subsection (a), by striking out ''(a) RESTRICTION ON USE OF FUNDS.—''.

SEC. 708. PLANS FOR MEDICARE SUBVENTION DEMONSTRATION PROGRAMS.

(a) PROGRAM FOR ENROLLMENT IN TRICARE MANAGED CARE OPTION.—(1) Not later than September 6, 1996, the Secretary of Defense and the Secretary of Health and Human Services shall jointly submit to Congress and the President a report that sets forth a specific plan and the Secretaries' recommendations regarding the establishment of a demonstration program under which—

(A) military retirees who are eligible for medicare are permitted to enroll in the managed care option of the Tricare program; and

(B) the Secretary of Health and Human Services reimburses the Secretary of Defense from the medicare program on a capitated basis for the costs of providing health care services to military retirees who enroll.

(2) The report shall include the following:

(A) The number of military retirees projected to participate in the demonstration program and the minimum number of such participants necessary to conduct the demonstration program effectively.

(B) A plan for notifying military retirees of their eligibility for enrollment in the demonstration program and for any other matters connected with enrollment.

(C) A recommendation for the duration of the demonstration program.

(D) A recommendation for the geographic regions in which the demonstration program should be conducted.

(E) The appropriate level of capitated reimbursement, and a schedule for such reimbursement, from the medicare program to the Department of Defense for health care services provided enrollees in the demonstration program.

(F) An estimate of the amounts to be allocated by the Department for the provision of health care services to military retirees eligible for medicare in the regions in which the demonstration program is proposed to be conducted in the absence of the program and an assessment of revisions to such allocation that would result from the conduct of the program.

(G) An estimate of the cost to the Department and to the medicare program of providing health care services to medicare eligible military retirees who enroll in the demonstration program.

(H) An assessment of the likelihood of cost shifting among the Department and the medicare program under the demonstration program.

(I) A proposal for mechanisms for reconciling and reimbursing any improper payments among the Department and the medicare program under the demonstration program.

(J) A methodology for evaluating the demonstration program, including cost analyses.

(K) As assessment of the extent to which the Tricare program is prepared to meet requirements of the medicare program for purposes of the demonstration program and the provisions of law or regulation that would have to be waived in order to facilitate the carrying out of the demonstration program.

(L) An assessment of the impact of the demonstration program on military readiness.

(M) Contingency plans for the provision of health care services under the demonstration program in the event of the mobilization of health care personnel.

(N) A recommendation of the reports that the Department and the Department of Health and Human Services should submit to Congress describing the conduct of the demonstration program.

(b) FEASABILITY STUDY FOR PROGRAM FOR ENROLLMENT IN TRICARE FEE-FOR-SERVICE OPTION.—Not later than January 3, 1997, the Secretary of Defense and the Secretary of Health and Human Services shall jointly submit to Congress and the President a report on the feasibility and advisability of expanding the demonstration program referred to in subsection (a) so as to provide the Department with reimbursement from the medicare program on a fee-for-service basis for health care services provided medicare-eligible military retirees who enroll in the demonstration program. The report shall include a proposal for the expansion of the program if the expansion is determined to be advisable.

(c) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated in section 301, $75,000,000 shall be made available to carry out the demonstration program referred to in subsection (a) if Congress authorizes the program by the end of the Second Session of the One Hundred Fourth Congress.

SEC. 709. RESEARCH AND BENEFITS RELATING TO GULF WAR SERVICE.

(a) RESEARCH.—(1) The Secretary of Defense shall, by contract, grant, or other transaction, provide for scientific research to be carried out by entities independent of the Federal Government on possible causal relationships between the complex of illnesses and symptoms commonly known as ''Gulf War syndrome'' and the possible exposures of members of the Armed Forces to chemical warfare agents or other hazardous materials during Gulf War service.

(2) The Secretary shall prescribe the procedures for making awards under paragraph (1). The procedures shall—

(A) include a comprehensive, independent peer-review process for the evaluation of proposals for scientific research that are submitted to the Department of Defense; and

(B) provide for the final selection of proposals for award to be based on the scientific merit and program relevance of the proposed research.

(3) Of the amount authorized to be appropriated under section 301(19), $10,000,000 is available for research under paragraph (1).

(b) HEALTH CARE BENEFITS FOR AFFLICTED CHILDREN OF GULF WAR VETERANS.—(1) Under regulations prescribed by the Secretary of Defense, any child of a Gulf War veteran who has been born after August 2, 1990, and has a congenital defect or catastrophic illness not excluded from coverage under paragraph (2) is eligible for medical and dental care under chapter 55 of title 10, United States Code, for the congenital defect or catastrophic illness, and associated conditions, of the child.

(2) The administering Secretaries may exclude from coverage under this subsection—

(A) any congenital defect or catastrophic illness that, as determined by the Secretary of Defense to a reasonable degree of scientific certainty on the basis of scientific research, is not a defect or catastrophic illness that can result in a child from an exposure of a parent of the child to a chemical warfare agent or other hazardous material to which members of the Armed Forces might have been exposed during Gulf War service; and

(B) a particular congenital defect or catastrophic illness (and any associated condition) of a particular child if the onset of the defect or illness is determined to have preceded any possible exposure of the parent or parents of the child to a chemical warfare agent or other hazardous material during Gulf War service.

(3) No fee, deductible, or copayment requirement may be imposed or enforced for medical or dental care provided under chapter 55 of title 10, United States Code, in the case of a child who is eligible for such care under this subsection (even if the child would otherwise be subject to such a requirement on the basis of any eligibility for such care that the child also has under any provision of law other than this subsection).

(c) DEFINITIONS.—(1) In this section:

(A) The term ''Gulf War veteran'' means a veteran of Gulf War service.

(B) The term ''Gulf War service'' means service on active duty as a member of the Armed Forces in the Southwest Asia theater of operations during the Persian Gulf War.

(C) The term ''Persian Gulf War'' has the meaning given that term in section 101(33) of title 38, United States Code.

(D) The term ''administering Secretaries'' has the meaning given that term in section 1072(3) of title 10, United States Code.

(E) The term ''child'' means a natural child.

(2) The Secretary of Defense shall prescribe in regulations a definition of the terms ''congenital defect'' and ''catastrophic illness'' for the purposes of this section.

SEC. 710. PREVENTIVE HEALTH CARE SCREENING FOR COLON AND PROSTATE CANCER.

(a) MEMBERS AND FORMER MEMBERS.—(1) Section 1074d of title 10, United States Code, is amended—

(A) in subsection (a)—

(i) by inserting ''(1)'' before ''Female''; and

(ii) by adding at the end the following new paragraph:

''(2) Male members and former members of the uniformed services entitled to medical care under section 1074 or 1074a of this title shall also be entitled to preventive health care screening for colon or prostate cancer at such intervals and using such screening methods as the administering Secretaries consider appropriate.''; and

(B) in subsection (b), by adding at the end the following new paragraph:

''(8) Colon cancer screening, at the intervals and using the screening methods prescribed under subsection (a)(2).''.

(2)(A) The heading of such section is amended to read as follows:

''§ 1074d. Primary and preventive health care services

(B) The item relating to such section in the table of sections at the beginning of chapter 55 of such title is amended to read as follows:

''1074d. Primary and preventive health care services.''.

(b) DEPENDENTS.—(1) Section 1077(a) of such title is amended by adding at the end the following new paragraph:

''(14) Preventive health care screening for colon or prostate cancer, at the intervals and using the screening methods prescribed under section 1074d(a)(2) of this title.''.

(2) Section 1079(a)(2) of such title is amended—

(A) in the matter preceding subparagraph (A), by inserting ''the schedule and method of colon and prostate cancer screenings,'' after ''pap smears and mammograms,''; and

(B) in subparagraph (B), by inserting ''or colon and prostate cancer screenings'' after ''pap smears and mammograms''.

Subtitle B—Uniformed Services Treatment Facilities

SEC. 721. DEFINITIONS.

In this subtitle:

(1) The term ''administering Secretaries'' means the Secretary of Defense, the Secretary of Transportation, and the Secretary of Health and Human Services.

(2) The term ''agreement'' means the agreement required under section 722(b) between the Secretary of Defense and a designated provider.

(3) The term ''capitation payment'' means an actuarially sound payment for a defined set of health care services that is established on a per enrollee per month basis.

(4) The term ''covered beneficiary'' means a beneficiary under chapter 55 of title 10, United States Code, other than a beneficiary under section 1074(a) of such title.

(5) The term ''designated provider'' means a public or nonprofit private entity that was a transferee of a Public Health Service hospital or other station under section 987 of the Omnibus Budget Reconciliation Act of 1981 (Public Law 97–35; 95 Stat. 603) and that, before the date of the enactment of this Act, was deemed to be a facility of the uniformed services for the purposes of chapter 55 of title 10, United States Code. The term includes any legal successor in interest of the transferee.

(6) The term ''enrollee'' means a covered beneficiary who enrolls with a designated provider.

(7) The term ''health care services'' means the health care services provided under the health plan known as the TRICARE PRIME option under the TRICARE program.

(8) The term ''Secretary'' means the Secretary of Defense.

(9) The term ''TRICARE program'' means the managed health care program that is established by the Secretary of Defense under the authority of chapter 55 of title 10, United States Code, principally section 1097 of such title, and includes the competitive selection of contractors to financially underwrite the delivery of health care services under the Civilian Health and Medical Program of the Uniformed Services.

SEC. 722. INCLUSION OF DESIGNATED PROVIDERS IN UNIFORMED SERVICES HEALTH CARE DELIVERY SYSTEM.

(a) INCLUSION IN SYSTEM.—The health care delivery system of the uniformed services shall include the designated providers.

(b) AGREEMENTS TO PROVIDE MANAGED HEALTH CARE SERVICES.—(1) After consultation with the other administering Secretaries, the Secretary of Defense shall negotiate and enter into an agreement with each designated provider, under which the designated provider will provide managed health care services to covered beneficiaries who enroll with the designated provider.

(2) The agreement shall be entered into on a sole source basis. The Federal Acquisition Regulation, except for those requirements regarding competition, issued pursuant to section 25(c) of the Office of Federal Procurement Policy Act (41 U.S.C. 421(c)) shall apply to the agreements as acquisitions of commercial items.

(3) The implementation of an agreement is subject to availability of funds for such purpose.

(c) EFFECTIVE DATE OF AGREEMENTS.—(1) Unless an earlier effective date is agreed upon by the Secretary and the designated provider, the agreement shall take effect upon the later of the following:

(A) The date on which a managed care support contract under the TRICARE program is implemented in the service area of the designated provider.

(B) October 1, 1997.

(2) Notwithstanding paragraph (1), the designated provider whose service area includes Seattle, Washington, shall implement its agreement as soon as the agreement permits.

(d) TEMPORARY CONTINUATION OF EXISTING PARTICIPATION AGREEMENTS.—The Secretary shall extend the participation agreement of a designated provider in effect immediately before the date of the enactment of this Act under section 718(c) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1587) until the agreement required by this section takes effect under subsection (c).

(e) SERVICE AREA.—The Secretary may not reduce the size of the service area of a designated provider below the size of the service area in effect as of September 30, 1996.

(f) COMPLIANCE WITH ADMINISTRATIVE REQUIREMENTS.—(1) Unless otherwise agreed upon by the Secretary and a designated provider, the designated provider shall comply with necessary and appropriate administrative requirements established by the Secretary for other providers of health care services and requirements established by the Secretary of Health and Human Services for risk-sharing contractors under section 1876 of the Social Security Act (42 U.S.C. 1395mm). The Secretary and the designated provider shall determine and apply only such administrative requirements as are minimally necessary and appropriate. A designated provider shall not be required to comply with a law or regulation of a State government requiring licensure as a health insurer or health maintenance organization.

(2) A designated provider may not contract out more than five percent of its primary

care enrollment without the approval of the Secretary, except in the case of primary care contracts between a designated provider and a primary care contractor in force on the date of the enactment of this Act.

SEC. 723. PROVISION OF UNIFORM BENEFIT BY DESIGNATED PROVIDERS.

(a) UNIFORM BENEFIT REQUIRED.—A designated provider shall offer to enrollees the health benefit option prescribed and implemented by the Secretary under section 731 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 10 U.S.C. 1073 note), including accompanying cost-sharing requirements.

(b) TIME FOR IMPLEMENTATION OF BENEFIT.—A designated provider shall offer the health benefit option described in subsection (a) to enrollees upon the later of the following:

(1) The date on which health care services within the health care delivery system of the uniformed services are rendered through the TRICARE program in the region in which the designated provider operates.

(2) October 1, 1996.

(c) ADJUSTMENTS.—The Secretary may establish a later date under subsection (b)(2) or prescribe reduced cost-sharing requirements for enrollees.

SEC. 724. ENROLLMENT OF COVERED BENEFICIARIES.

(a) FISCAL YEAR 1997 LIMITATION.—(1) During fiscal year 1997, the number of covered beneficiaries who are enrolled in managed care plans offered by designated providers may not exceed the number of such enrollees as of October 1, 1995.

(2) The Secretary may waive the limitation under paragraph (1) if the Secretary determines that additional enrollment authority for a designated provider is required to accommodate covered beneficiaries who are dependents of members of the uniformed services entitled to health care under section 1074(a) of title 10, United States Code.

(b) PERMANENT LIMITATION.—For each fiscal year after fiscal year 1997, the number of enrollees in managed care plans offered by designated providers may not exceed 110 percent of the number of such enrollees as of the first day of the immediately preceding fiscal year. The Secretary may waive this limitation as provided in subsection (a)(2).

(c) RETENTION OF CURRENT ENROLLEES.—An enrollee in the managed care program of a designated provider as of September 30, 1997, or such earlier date as the designated provider and the Secretary may agree upon, shall continue receiving services from the designated provider pursuant to the agreement entered into under section 722 unless the enrollee disenrolls from the designated provider. Except as provided in subsection (e), the administering Secretaries may not disenroll such an enrollee unless the disenrollment is agreed to by the Secretary and the designated provider.

(d) ADDITIONAL ENROLLMENT AUTHORITY.—Other covered beneficiaries may also receive health care services from a designated provider, except that the designated provider may market such services to, and enroll, only those covered beneficiaries who—

(1) do not have other primary health insurance coverage (other than medicare coverage) covering basic primary care and inpatient and outpatient services; or

(2) are enrolled in the direct care system under the TRICARE program, regardless of whether the covered beneficiaries were users of the health care delivery system of the uniformed services in prior years.

(e) SPECIAL RULE FOR MEDICARE-ELIGIBLE BENEFICIARIES.—If a covered beneficiary who desires to enroll in the managed care program of a designated provider is also entitled to hospital insurance benefits under part A of title XVIII of the Social Security Act (42 U.S.C. 1395c et seq.), the covered beneficiary shall elect whether to receive health care services as an enrollee or under part A of title XVIII of the Social Security Act. The Secretary may disenroll an enrollee who subsequently violates the election made under this subsection and receives benefits under part A of title XVIII of the Social Security Act.

(f) INFORMATION REGARDING ELIGIBLE COVERED BENEFICIARIES.—The Secretary shall provide, in a timely manner, a designated provider with an accurate list of covered beneficiaries within the marketing area of the designated provider to whom the designated provider may offer enrollment.

SEC. 725. APPLICATION OF CHAMPUS PAYMENT RULES.

(a) APPLICATION OF PAYMENT RULES.—Subject to subsection (b), the Secretary shall require a private facility or health care provider that is a health care provider under the Civilian Health and Medical Program of the Uniformed Services to apply the payment rules described in section 1074(c) of title 10, United States Code, in imposing charges for health care that the private facility or provider provides to enrollees of a designated provider.

(b) AUTHORIZED ADJUSTMENTS.—The payment rules imposed under subsection (a) shall be subject to such modifications as the Secretary considers appropriate. The Secretary may authorize a lower rate than the maximum rate that would otherwise apply under subsection (a) if the lower rate is agreed to by the designated provider and the private facility or health care provider.

(c) REGULATIONS.—The Secretary shall prescribe regulations to implement this section after consultation with the other administering Secretaries.

(d) CONFORMING AMENDMENT.—Section 1074 of title 10, United States Code, is amended by striking out subsection (d).

SEC. 726. PAYMENTS FOR SERVICES.

(a) FORM OF PAYMENT.—Unless otherwise agreed to by the Secretary and a designated provider, the form of payment for services provided by a designated provider shall be full risk capitation. The capitation payments shall be negotiated and agreed upon by the Secretary and the designated provider. In addition to such other factors as the parties may agree to apply, the capitation payments shall be based on the utilization experience of enrollees and competitive market rates for equivalent health care services for a comparable population to such enrollees in the area in which the designated provider is located.

(b) LIMITATION ON TOTAL PAYMENTS.—Total capitation payments to a designated provider shall not exceed an amount equal to the cost that would have been incurred by the Government if the enrollees had received their care through a military treatment facility, the TRICARE program, or the medicare program, as the case may be.

(c) ESTABLISHMENT OF PAYMENT RATES ON ANNUAL BASIS.—The Secretary and a designated provider shall establish capitation payments on an annual basis, subject to periodic review for actuarial soundness and to adjustment for any adverse or favorable selection reasonably anticipated to result from the design of the program.

(d) ALTERNATIVE BASIS FOR CALCULATING PAYMENTS.—After September 30, 1999, the Secretary and a designated provider may mutually agree upon a new basis for calculating capitation payments.

SEC. 727. REPEAL OF SUPERSEDED AUTHORITIES.

(a) REPEALS.—The following provisions of law are repealed:

(1) Section 911 of the Military Construction Authorization Act, 1982 (42 U.S.C. 248c).

(2) Section 1252 of the Department of Defense Authorization Act, 1984 (42 U.S.C. 248d).

(3) Section 718(c) of the National Defense Authorization Act for Fiscal year 1991 (Public Law 101–510; 42 U.S.C. 248c note).

(4) Section 726 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 42 U.S.C. 248c note).

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1997.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

SEC. 801. PROCUREMENT TECHNICAL ASSISTANCE PROGRAMS.

(a) FUNDING.—Of the amount authorized to be appropriated under section 301(5), $12,000,000 shall be available for carrying out the provisions of chapter 142 of title 10, United States Code.

(b) SPECIFIC PROGRAMS.—Of the amounts made available pursuant to subsection (a), $600,000 shall be available for fiscal year 1997 for the purpose of carrying out programs sponsored by eligible entities referred to in subparagraph (D) of section 2411(1) of title 10, United States Code, that provide procurement technical assistance in distressed areas referred to in subparagraph (B) of section 2411(2) of such title. If there is an insufficient number of satisfactory proposals for cooperative agreements in such distressed areas to allow effective use of the funds made available in accordance with this subsection in such areas, the funds shall be allocated among the Defense Contract Administration Services regions in accordance with section 2415 of such title.

SEC. 802. EXTENSION OF PILOT MENTOR-PROTEGE PROGRAM.

Section 831(j) of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2302 note) is amended—

(1) in paragraph (1), by striking out ''1995'' and inserting in lieu thereof ''1998''; and

(2) in paragraph (2), by striking out ''1996'' and inserting in lieu thereof ''1999''.

SEC. 803. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN PROTOTYPE PROJECTS.

(a) AUTHORIZED OFFICIALS.—(1) Subsection (a) of section 845 of the National Defense Authorization Act for Fiscal Year 1994 (107 Stat. 1547; 10 U.S.C. 2371 note) is amended by inserting '', the Secretary of a military department, or any other official designated by the Secretary of Defense'' after ''Agency''.

(2) Subsection (b)(2) of such section is amended to read as follows:

''(2) To the maximum extent practicable, competitive procedures shall be used when entering into agreements to carry out projects under subsection (a).''.

(b) EXTENSION OF AUTHORITY.—Subsection (c) of such section is amended by striking out ''terminate'' and all that follows and inserting in lieu thereof ''terminate at the end of September 30, 2001.''.

SEC. 804. REVISIONS TO THE PROGRAM FOR THE ASSESSMENT OF THE NATIONAL DEFENSE TECHNOLOGY AND INDUSTRIAL BASE.

(a) NATIONAL DEFENSE PROGRAM FOR ANALYSIS OF THE TECHNOLOGY AND INDUSTRIAL BASE.—Section 2503 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by striking out ''(1) The Secretary of Defense, in consultation with the National Defense Technology and Industrial Base Council'' in paragraph (1) and inserting in lieu thereof ''The Secretary of Defense, in consultation with the Secretary of Commerce''; and

(B) by striking out paragraphs (2), (3), and (4); and

(2) in subsection (c)(3)(A)—

(A) by striking out ''the National Defense Technology and Industrial Base Council in'' and inserting in lieu thereof ''the Secretary of Defense for''; and

(B) by striking out ''and the periodic plans required by section 2506 of this title''.

(b) PERIODIC DEFENSE CAPABILITY ASSESSMENTS.—(1) Section 2505 of title 10, United States Code, is amended to read as follows:

''§ 2505. National technology and industrial base: periodic defense capability assessments

''(a) PERIODIC ASSESSMENT.—Each fiscal year, the Secretary of Defense shall prepare selected assessments of the capability of the national technology and industrial base to attain the national security objectives set forth in section 2501(a) of this title.

''(b) ASSESSMENT PROCESS.—The Secretary of Defense shall ensure that technology and industrial capability assessments—

''(1) describe sectors or capabilities, their underlying infrastructure and processes;

''(2) analyze present and projected financial performance of industries supporting the sectors or capabilities in the assessment; and

''(3) identify technological and industrial capabilities and processes for which there is potential for the national industrial and technology base not to be able to support the achievement of national security objectives.

''(c) FOREIGN DEPENDENCY CONSIDERATIONS.—In the preparation of the periodic assessments, the Secretary shall include considerations of foreign dependency.

''(d) INTEGRATED PROCESS.—The Secretary of Defense shall ensure that consideration of the technology and industrial base assessments is integrated into the overall budget, acquisition, and logistics support decision processes of the Department of Defense.''.

(2) Section 2502(b) of title 10, United States Code, is amended—

(A) by striking out ''the following responsibilities:'' and all that follows through ''effective cooperation'' and inserting in lieu thereof ''the responsibility to ensure effective cooperation''; and

(B) by striking out paragraph (2); and

(3) by redesignating subparagraphs (A), (B), and (C) as paragraphs (1), (2), and (3), respectively, and adjusting the margin of such paragraphs two ems to the left.

(c) REPEAL OF REQUIREMENT FOR PERIODIC DEFENSE CAPABILITY PLAN.—Section 2506 of title 10, United States Code, is repealed.

(d) DEPARTMENT OF DEFENSE TECHNOLOGY AND INDUSTRIAL BASE POLICY GUIDANCE.—Subchapter II of chapter 148 of title 10, United States Code, is amended by inserting after section 2505 the following new section 2506:

''§ 2506. Department of Defense technology and industrial base policy guidance

''(a) DEPARTMENTAL GUIDANCE.—The Secretary of Defense shall prescribe departmental guidance for the attainment of each of the national security objectives set forth in section 2501(a) of this title. Such guidance shall provide for technological and industrial capability considerations to be integrated into the budget allocation, weapons acquisition, and logistics support decision processes.

''(b) REPORT TO CONGRESS.—The Secretary of Defense shall report on the implementation of the departmental guidance in the annual report to Congress submitted pursuant to section 2508 of this title.''.

(e) ANNUAL REPORT TO CONGRESS.—Such subchapter is amended by inserting after section 2507 the following new section:

''§ 2508. Annual report to Congress

''The Secretary of Defense shall transmit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives by March 1 of each year a report which shall include the following information:

''(1) A description of the departmental guidance prepared pursuant to section 2506 of this title.

''(2) A description of the methods and analyses being undertaken by the Department of Defense alone or in cooperation with other Federal agencies, to identify and address concerns regarding technological and industrial capabilities of the national technology and industrial base.

''(3) A description of the assessments prepared pursuant to section 2505 of this title and other analyses used in developing the budget submission of the Department of Defense for the next fiscal year.

''(4) Identification of each program designed to sustain specific essential technological and industrial capabilities and processes of the national technology and industrial base.''.

(f) REPEAL OF REQUIREMENT TO COORDINATE THE ENCOURAGEMENT OF TECHNOLOGY TRANSFER WITH THE COUNCIL.—Subsection 2514(c) of title 10, United States Code, is amended by striking out paragraph (5).

(g) CLERICAL AMENDMENTS.—The table of sections at the beginning of subchapter II of chapter 148 of title 10, United States Code, is amended—

(1) by striking out the item relating to section 2506 and inserting in lieu thereof the following:

''2506. Department of Defense technology and industrial base policy guidance.'';

and

(2) by adding at the end the following:

''2508. Annual report to Congress.''.

(h) REPEAL OF SUPERSEDED AND EXECUTED LAW.—Sections 4218, 4219, and 4220 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 10 U.S.C. 2505 note and 2506 note) are repealed.

SEC. 805. PROCUREMENTS TO BE MADE FROM SMALL ARMS INDUSTRIAL BASE FIRMS.

(a) REQUIREMENT.—Chapter 146 of title 10, United States Code, is amended by adding at the end the following:

''§ 2473. Procurements from the small arms industrial base

''(a) AUTHORITY TO DESIGNATE EXCLUSIVE SOURCES.—To the extent that the Secretary of Defense determines necessary to preserve the part of the national technology and industrial base that supplies property and services described in subsection (b), the Secretary may require that the procurements of such items for the Department of Defense be made only from the firms listed in the plan entitled 'Preservation of Critical Elements of the Small Arms Industrial Base', dated January 8, 1994, that was prepared by an independent assessment panel of the Army Science Board.

''(b) COVERED ITEMS.—The authority provided in subsection (a) applies to the following property and services:

''(1) Repair parts for small arms.

''(2) Modifications of parts to improve small arms used by the armed forces.

''(3) Overhaul of unserviceable small arms of the armed forces.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following:

''2473. Procurements from the small arms industrial base.''.

SEC. 806. EXCEPTION TO PROHIBITION ON PROCUREMENT OF FOREIGN GOODS.

Section 2534(d)(3) of title 10, United States Code, is amended by inserting ''or would impede the reciprocal procurement of defense items under a memorandum of understanding providing for reciprocal procurement of defense items that is entered into under section 2531 of this title,'' after ''a foreign country,''.

SEC. 807. TREATMENT OF DEPARTMENT OF DEFENSE CABLE TELEVISION FRANCHISE AGREEMENTS.

(a) TREATMENT AS CONTRACT FOR TELECOMMUNICATIONS SERVICES.—Subject to subsection (b), a cable television franchise agreement for the Department of Defense shall be considered a contract for telecommunications services for purposes of part 49 of the Federal Acquisition Regulation.

(b) LIMITATION.—The treatment of a cable television franchise agreement as a contract for telecommunications services shall be subject to such terms, conditions, limitations, restrictions, and requirements relating to the power of the executive branch to treat such an agreement as such a contract as are identified in the advisory opinion required under section 823 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 399).

(c) APPLICABILITY.—This section applies to cable television franchise agreements for the Department of Defense only if the United States Court of Federal Claims states in an advisory opinion referred to in subsection (b) that it is within the power of the executive branch to treat cable television franchise agreements for the construction, installation, or capital improvement of cable television systems at military installations of the Department of Defense as contracts under part 49 of the Federal Acquisition Regulation without violating title VI of the Communications Act of 1934 (47 U.S.C. 521 et seq.).

SEC. 808. REMEDIES FOR REPRISALS AGAINST CONTRACTOR EMPLOYEE WHISTLEBLOWERS.

Section 2409(c)(1) of title 10, United States Code, is amended by striking out subparagraph (B) and inserting in lieu thereof the following:

''(B) Order the contractor either—

''(i) to reinstate the person to the position that the person held before the reprisal, together with the compensation (including back pay), employment benefits, and other terms and conditions of employment that would apply to the person in that position if the reprisal had not been taken; or

''(ii) without reinstating the person, to pay the person an amount equal to the compensation (including back pay) that, if the reprisal had not been taken, would have been paid the person in that position up to the date on which the head of the agency determines that the person has been subjected to a reprisal prohibited under subsection (a).''.

SEC. 809. IMPLEMENTATION OF INFORMATION TECHNOLOGY MANAGEMENT REFORM.

(a) REPORT.—(1) The Secretary of Defense shall include in the report submitted in 1997 under section 381 of Public Law 103–337 (108 Stat. 2739) a discussion of the following matters relating to information resources management by the Federal Government:

(A) The progress made in implementing the Information Technology Management Reform Act of 1996 (division E of Public Law 104–106; 110 Stat. 679; 40 U.S.C. 1401 et seq.) and the amendments made by that Act.

(B) The progress made in implementing the strategy for the development or modernization of automated information systems for the Department of Defense, as required by section 366 of Public Law 104–106 (110 Stat 275; 10 U.S.C. 113 note).

(C) Plans of the Department of Defense for establishing an integrated framework for management of information resources within the department.

(2) The discussion of matters under paragraph (1) shall specifically include a discussion of the following:

(A) The status of the implementation of a set of strategic, outcome-oriented performance measures.

(B) The specific actions being taken to link the proposed performance measures to the planning, programming, and budgeting system of the Department of Defense and to the life-cycle management processes of the department.

(C) The results of pilot program testing of proposed performance measures.

(D) The additional training necessary for the implementation of performance-based information management.

(E) Plans for integrating management improvement programs of the Department of Defense.

(F) The department-wide actions that are necessary to comply with the requirements of the following provisions of law:

(i) The amendments made by the Government Performance and Results Act of 1993 (Public Law 103–62; 107 Stat. 285).

(ii) The Information Management Reform Act of 1996 (division E of Public Law 104–106; 110 Stat 679; 40 U.S.C. 1401 et seq.) and the amendments made by that Act.

(iii) Title V of the Federal Acquisition Management Streamlining Act of 1994 (Public Law 103–355; 108 Stat. 3349) and the amendments made by that title.

(iv) The Chief Financial Officers Act of 1990 (Public Law 101–576; 104 Stat. 2838) and the amendments made by that Act.

(G) A strategic information resources plan for the Department of Defense that is based on the strategy of the Secretary of Defense for support of the department's overall strategic goals by the core and supporting processes of the department.

(b) YEAR 2000 SOFTWARE CONVERSION.—(1) The Secretary of Defense shall ensure that all information technology acquired by the Department of Defense pursuant to contracts entered into after September 30, 1996, have the capabilities that comply with time and date standards established by the National Institute of Standards and Technology or, if there is no such standard, generally accepted industry standards for providing fault-free processing of date and date-related data in 2000.

(2) The Secretary, acting through the chief information officers within the department (as designated pursuant to section 3506 of title 44, United States Code), shall assess all information technology within the Department of Defense to determine the extent to which such technology have the capabilities to operate effectively with technology that meet the standards referred to in paragraph (1).

(3) Not later than January 1, 1997, the Secretary shall submit to Congress a detailed plan for eliminating any deficiencies identified pursuant to paragraph (2). The plan shall include—

(A) a prioritized list of all affected programs;

(B) a description of how the deficiencies could affect the national security of the United States; and

(C) an estimate of the resources that are necessary to eliminate the deficiencies.

SEC. 810. RESEARCH UNDER TRANSACTIONS OTHER THAN CONTRACTS AND GRANTS.

(a) CONDITIONS FOR USE OF AUTHORITY.—Subsection (e) of section 2371 of title 10, United States Code, is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B);

(2) by inserting ''and'' after the semicolon at the end of subparagraph (A), as so redesignated;

(3) by striking out ''; and'' at the end of subparagraph (B), as so redesignated, and inserting in lieu thereof a period;

(4) by inserting ''(1)'' after ''(e) CONDITIONS.—''; and

(5) by striking out paragraph (3) and inserting in lieu thereof the following:

''(2) A cooperative agreement containing a clause under subsection (d) or a transaction authorized under subsection (a) may be used for a research project when the use of a standard contract, grant, or cooperative agreement for such project is not feasible or appropriate.''.

(b) REVISED REQUIREMENT FOR ANNUAL REPORT.—Section 2371 of such title is amended by striking out subsection (h) and inserting in lieu thereof the following:

''(h) ANNUAL REPORT.—(1) Not later than 90 days after the end of each fiscal year, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on Department of Defense use during such fiscal year of—

''(A) cooperative agreements authorized under section 2358 of this title that contain a clause under subsection (d); and

''(B) transactions authorized under subsection (a).

''(2) The report shall include, with respect to the cooperative agreements and other transactions covered by the report, the following:

''(A) The technology areas in which research projects were conducted under such agreements or other transactions.

''(B) The extent of the cost-sharing among Federal Government and non-Federal sources.

''(C) The extent to which the use of the cooperative agreements and other transactions—

''(i) has contributed to a broadening of the technology and industrial base available for meeting Department of Defense needs; and

''(ii) has fostered within the technology and industrial base new relationships and practices that support the national security of the United States.

''(D) The total amount of payments, if any, that were received by the Federal Government during the fiscal year covered by the report pursuant to a clause described in subsection (d) that was included in the cooperative agreements and transactions, and the amount of such payments, if any, that were credited to each account established under subsection (f).''.

(c) PROTECTION OF CERTAIN INFORMATION FROM DISCLOSURE.—Such section, as amended by subsection (b), is further amended by inserting after subsection (h) the following:

''(i) PROTECTION OF CERTAIN INFORMATION FROM DISCLOSURE.—(1) Disclosure of information described in paragraph (2) is not required, and may not be compelled, under section 552 of title 5 for five years after the date on which the information is received by the Department of Defense.

''(2) Paragraph (1) applies to the following information in the records of the Department of Defense if the information was submitted to the department in a competitive or noncompetitive process having the potential for resulting in an award, to the submitters, of a cooperative agreement that includes a clause described in subsection (d) or other transaction authorized under subsection (a):

''(A) Proposals, proposal abstracts, and supporting documents.

''(B) Business plans submitted on a confidential basis.

''(C) Technical information submitted on a confidential basis.''.

(d) DIVISION OF SECTION INTO DISTINCT PROVISIONS BY SUBJECT MATTER.—(1) Chapter 139 of title 10, United States Code, is amended—

(A) by inserting before the last subsection of section 2371 (relating to cooperative research and development agreements under the Stevenson-Wydler Technology Innovation Act of 1980) the following:

''§ 2371a. Cooperative research and development agreements under Stevenson-Wydler Technology Innovation Act of 1980'';

(B) by striking out ''(i) COOPERATIVE RESEARCH AND DEVELOPMENT AGREEMENTS UNDER STEVENSON-WYDLER TECHNOLOGY INNOVATION ACT OF 1980.—''; and

(C) in the table of sections at the beginning of such chapter, by inserting after the item relating to section 2371 the following:

''2371a. Cooperative research and development agreements under Stevenson-Wydler Technology Innovation Act of 1980.''.

(2) Section 2358(d) of such title is amended by striking out ''section 2371'' and inserting in lieu thereof ''sections 2371 and 2371a''.

SEC. 811. REPORTING REQUIREMENT UNDER DEMONSTRATION PROJECT FOR PURCHASE OF FIRE, SECURITY, POLICE, PUBLIC WORKS, AND UTILITY SERVICES FROM LOCAL GOVERNMENT AGENCIES.

Section 816(b) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2820) is amended by striking out ''1996'' and inserting in lieu thereof ''1998''.

SEC. 812. TEST PROGRAMS FOR MODERNIZATION-THROUGH-SPARES.

Not later than 60 days after the date of enactment of this Act, the Secretary of the Army shall report to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives on the steps he has taken to ensure that each program included in the Army's modernization-through-spares program is conducted in accordance with—

(1) the competition requirements in section 2304 of title 10;

(2) the core logistics requirements in section 2464 of title 10;

(3) the public-private competition requirements in section 2469 of title 10; and

(4) requirements relating to contract bundling and spare parts breakout in sections 15(a) and 15(l) of the Small Business Act (15 U.S.C. 644) and implementing regulations in the Defense FAR Supplement.

SEC. 813. PILOT PROGRAM FOR TRANSFER OF DEFENSE TECHNOLOGY INFORMATION TO PRIVATE INDUSTRY.

(a) PROGRAM REQUIRED.—The Secretary of Defense shall carry out a pilot program to demonstrate online transfers of information on defense technologies to businesses in the private sector through an interactive data network involving Small Business Development Centers of institutions of higher education.

(b) COMPUTERIZED DATA BASE OF DEFENSE TECHNOLOGIES.—(1) Under the pilot program, the Secretary shall enter into an agreement with the head of an eligible institution of higher education that provides for such institution—

(A) to develop and maintain a computerized data base of information on defense technologies;

(B) to make such information available online to—

(i) businesses; and

(ii) other institutions of higher education entering into partnerships with the Secretary under subsection (c).

(2) The online accessibility may be established by means of any of, or any combination of, the following:

(A) Digital teleconferencing.

(B) International Signal Digital Network lines.

(C) Direct modem hookup.

(c) PARTNERSHIP NETWORK.—Under the pilot program, the Secretary shall seek to enter into agreements with the heads of several eligible institutions of higher education having strong business education programs to provide for the institutions of higher education entering into such agreements—

(1) to establish interactive computer links with the data base developed and maintained under subsection (b); and

(2) to assist the Secretary in making information on defense technologies available online to the broadest practicable number, types, and sizes of businesses.

(d) ELIGIBLE INSTITUTIONS.—For the purposes of this section, an institution of higher education is eligible to enter into an agreement under subsection (b) or (c) if the institution has a Small Business Development Center.

(e) DEFENSE TECHNOLOGIES COVERED.—(1) The Secretary shall designate the technologies to be covered by the pilot program from among the existing and experimental technologies that the Secretary determines—

(A) are useful in meeting Department of Defense needs; and

(B) should be made available under the pilot program to facilitate the satisfaction of such needs by private sector sources.

(2) Technologies covered by the program should include technologies useful for defense purposes that can also be used for nondefense purposes (without or without modification).

(f) DEFINITIONS.—In this section:

(1) The term ''Small Business Development Center'' means a small business development center established pursuant to section 21 of the Small Business Act (15 U.S.C. 648).

(2) The term ''defense technology'' means a technology designated by the Secretary of Defense under subsection (d).

(3) The term ''partnership'' means an agreement entered into under subsection (c).

(g) TERMINATION OF PILOT PROGRAM.—The pilot program shall terminate one year after the Secretary enters into an agreement under subsection (b).

(h) AUTHORIZATION OF APPROPRIATIONS.—Of the amount authorized to be appropriated under section 201(4) for university research initiatives, $3,000,000 is available for the pilot program.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle A—General Matters

SEC. 901. REPEAL OF REORGANIZATION OF OFFICE OF SECRETARY OF DEFENSE.

Sections 901 and 903 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 399 and 401) are repealed.

SEC. 902. CODIFICATION OF REQUIREMENTS RELATING TO CONTINUED OPERATION OF THE UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES.

(a) CODIFICATION OF EXISTING LAW.—(1) Chapter 104 of title 10, United States Code, is amended by inserting after section 2112 the following:

''§ 2112a. Continued operation of University

''(a) CLOSURE PROHIBITED.—The University may not be closed.

''(b) PERSONNEL STRENGTH.—During the five-year period beginning on October 1, 1996, the personnel staffing levels for the University may not be reduced below the personnel staffing levels for the University on October 1, 1993.''.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2112 the following:

''2112a. Continued operation of University.''.

(b) REPEAL OF SUPERSEDED LAW.—(1) Section 922 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 282; 10 U.S.C. 2112 note) is amended by striking out subsection (a).

(2) Section 1071 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 445; 10 U.S.C. 2112 note) is amended by striking out subsection (b).

SEC. 903. CODIFICATION OF REQUIREMENT FOR UNITED STATES ARMY RESERVE COMMAND.

(a) REQUIREMENT FOR ARMY RESERVE COMMAND.—(1) Chapter 307 of title 10, United States Code, is amended by inserting after section 3074 the following:

''§ 3074a. United States Army Reserve Command

''(a) COMMAND.—The United States Army Reserve Command is a separate command of the Army commanded by the Chief of Army Reserve.

''(b) CHAIN OF COMMAND.—Except as otherwise prescribed by the Secretary of Defense, the Secretary of the Army shall prescribe the chain of command for the United States Army Reserve Command.

''(c) ASSIGNMENT OF FORCES.—The Secretary of the Army—

''(1) shall assign to the United States Army Reserve Command all forces of the Army Reserve in the continental United States other than forces assigned to the unified combatant command for special operations forces established pursuant to section 167 of this title; and

''(2) except as otherwise directed by the Secretary of Defense in the case of forces assigned to carry out functions of the Secretary of the Army specified in section 3013 of this title, shall assign all such forces of the Army Reserve to the commander of the United States Atlantic Command.''.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 3074 the following:

''3074a. United States Army Reserve Command.''.

(b) REPEAL OF SUPERSEDED LAW.—Section 903 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1620; 10 U.S.C. 3074 note) is repealed.

SEC. 904. TRANSFER OF AUTHORITY TO CONTROL TRANSPORTATION SYSTEMS IN TIME OF WAR.

(a) AUTHORITY OF SECRETARY OF DEFENSE.—Section 4742 of title 10, United States Code, is amended by striking out ''Secretary of the Army'' and inserting in lieu thereof ''Secretary of Defense''.

(b) TRANSFER OF SECTION.—Such section, as amended by subsection (a), is transferred to the end of chapter 157 of such title and is redesignated as section 2644.

(c) CONFORMING AMENDMENT.—Section 9742 of such title is repealed.

(d) CLERICAL AMENDMENTS.—(1) The table of sections at the beginning of chapter 157 of such title is amended by inserting after the item relating to section 2643 the following new item:

''2644. Control of transportation systems in time of war.''.

(2) The table of sections at the beginning of chapter 447 of such title is amended by striking out the item relating to section 4742.

(3) The table of sections at the beginning of chapter 947 of such title is amended by striking out the item relating to section 9742.

SEC. 905. REDESIGNATION OF OFFICE OF NAVAL RECORDS AND HISTORY FUND AND CORRECTION OF RELATED REFERENCES.

(a) NAME OF FUND.—Subsection (a) of section 7222 of title 10, United States Code, is amended by striking out '''Office of Naval Records and History Fund''' in the second sentence and inserting in lieu thereof '''Naval Historical Center Fund'''.

(b) CORRECTION OF REFERENCE TO ADMINISTERING OFFICE.—Subsection (a) of such section, as amended by subsection (a), is further amended by striking out ''Office of Naval Records and History'' in the first sentence and inserting in lieu thereof ''Naval Historical Center''.

(c) CONFORMING REFERENCE.—Subsection (c) of such section is amended by striking out ''Office of Naval Records and History Fund'' in the second sentence and inserting in lieu thereof ''Naval Historical Center Fund''.

(d) CLERICAL AMENDMENTS.—(1) The heading of such section is amended to read as follows:

''§ 7222. Naval Historical Center Fund''.

(2) The item relating to such section in the table of sections at the beginning of chapter 631 of title 10, United States Code, is amended to read as follows:

''7222. Naval Historical Center Fund.''.

SEC. 906. ROLE OF DIRECTOR OF CENTRAL INTELLIGENCE IN APPOINTMENT AND EVALUATION OF CERTAIN INTELLIGENCE OFFICIALS.

(a) IN GENERAL.—Section 201 of title 10, United States Code, is amended to read as follows:

''§ 201. Certain intelligence officials: consultation and concurrence regarding appointments; evaluation of performance

''(a) CONSULTATION REGARDING APPOINTMENT.—Before submitting a recommendation to the President regarding the appointment of an individual to the position of Director of the Defense Intelligence Agency, the Secretary of Defense shall consult with the Director of Central Intelligence regarding the recommendation.

''(b) CONCURRENCE IN APPOINTMENT.—Before submitting a recommendation to the President regarding the appointment of an individual to a position referred to in paragraph (2), the Secretary of Defense shall seek the concurrence of the Director of Central Intelligence in the recommendation. If the Director does not concur in the recommendation, the Secretary may make the recommendation to the President without the Director's concurrence, but shall include in the recommendation a statement that the Director does not concur in the recommendation.

''(2) Paragraph (1) applies to the following positions:

''(A) The Director of the National Security Agency.

''(B) The Director of the National Reconnaissance Office.

''(c) PERFORMANCE EVALUATIONS.—(1) The Director of Central Intelligence shall provide annually to the Secretary of Defense, for the Secretary's consideration, an evaluation of the performance of the individuals holding the positions referred to in paragraph (2) in fulfilling their respective responsibilities with regard to the National Foreign Intelligence Program.

''(2) The positions referred to in paragraph (1) are the following:

''(A) The Director of the National Security Agency.

''(B) The Director of the National Reconnaissance Office.

''(C) The Director of the National Imagery and Mapping Agency.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter II of chapter 8 of such title is amended by striking out the item relating to section 201 and inserting in lieu thereof the following new item:

''201. Certain intelligence officials: consultation and concurrence regarding appointments; evaluation of performance.''.

SEC. 907. MATTERS TO BE CONSIDERED IN NEXT ASSESSMENT OF CURRENT MISSIONS, RESPONSIBILITIES, AND FORCE STRUCTURE OF THE UNIFIED COMBATANT COMMANDS.

The Chairman of the Joint Chiefs of Staff shall consider, as part of the next periodic review of the missions, responsibilities, and force structure of the unified combatant commands under section 161(b) of title 10, United States Code, the following matters:

(1) For each Area of Responsibility of the regional unified combatant commands—

(A) the foremost threats to United States or allied security in the near- and long-term;

(B) the total area of ocean and total area of land encompassed; and

(C) the number of countries and total population encompassed.

(2) Whether any one Area of Responsibility encompasses a disproportionately high or low share of threats, mission requirements, land or ocean area, number of countries, or population.

(3) The other factors used to establish the current Areas of Responsibility.

(4) Whether any of the factors addressed under paragraph (3) account for any apparent imbalances indicated in the response to paragraph (2).

(5) Whether, in light of recent reductions in the overall force structure of the Armed Forces, the United States could better execute its warfighting plans with fewer unified combatant commands, including—

(A) a total of five or fewer commands, all of which are regional;

(B) an eastward-oriented command, a westward-oriented command, and a central command; or

(C) a purely functional command structure, involving (for example) a first theater command, a second theater command, a logistics command, a special contingencies command, and a strategic command.

(6) Whether any missions, staff, facilities, equipment, training programs, or other assets or activities of the unified combatant commands are redundant.

(7) Whether warfighting requirements are adequate to justify the current functional commands.

(8) Whether the exclusion of Russia from a specific Area of Responsibility presents any difficulties for the unified combatant commands with respect to contingency planning for that area and its periphery.

(9) Whether the current geographic boundary between the Central Command and the European Command through the Middle East could create command conflicts in the context of fighting a major regional conflict in the Middle East.

SEC. 908. ACTIONS TO LIMIT ADVERSE EFFECTS OF ESTABLISHMENT OF NATIONAL MISSILE DEFENSE JOINT PROGRAM OFFICE ON PRIVATE SECTOR EMPLOYMENT.

The Director of the Ballistic Missile Defense Organization shall take such actions as are necessary in connection with the establishment of the National Missile Defense Joint Program Office to ensure that the establishment of that office does not make it necessary for a Federal Government contractor to reduce the number of persons employed by the contractor for supporting the national missile defense development program at any particular location outside the National Capital Region (as defined in section 2674(f)(2) of title 10, United States Code).

Subtitle B—National Imagery and Mapping Agency

SEC. 911. SHORT TITLE.

This subtitle may be cited as the ''National Imagery and Mapping Agency Act of 1996''.

SEC. 912. FINDINGS.

Congress makes the following findings:

(1) There is a need within the Department of Defense and the Intelligence Community of the United States to provide a single agency focus for the growing number and diverse types of customers for imagery and geospatial information resources within the Government, to ensure visibility and accountability for those resources, and to harness, leverage, and focus rapid technological developments to serve the imagery, imagery intelligence, and geospatial information customers.

(2) There is a need for a single Government agency to solicit and advocate the needs of that growing and diverse pool of customers.

(3) A single combat support agency dedicated to imagery, imagery intelligence, and geospatial information could act as a focal point for support of all imagery intelligence and geospatial information customers, including customers in the Department of Defense, the Intelligence Community, and related agencies outside of the Department of Defense.

(4) Such an agency would best serve the needs of the imagery, imagery intelligence, and geospatial information customers if it were organized—

(A) to carry out its mission responsibilities under the authority, direction, and control of the Secretary of Defense, with the advice of the Chairman of the Joint Chiefs of Staff; and

(B) to carry out its responsibilities to national intelligence customers in accordance with policies and priorities established by the Director of Central Intelligence.

PART I—ESTABLISHMENT

SEC. 921. ESTABLISHMENT, MISSIONS, AND AUTHORITY.

(a) ESTABLISHMENT IN TITLE 10, UNITED STATES CODE.—Part I of subtitle A of title 10, United States Code, is amended—

(1) by redesignating chapter 22 as chapter 23; and

(2) by inserting after chapter 21 the following new chapter 22:

"CHAPTER 22—NATIONAL IMAGERY AND MAPPING AGENCY

''Subchapter	Sec.
''I. Establishment, Missions, and Authority	441
''II. Maps, Charts, and Geodetic Products	451
''III. Personnel Management	461
''IV. Definitions	471

''SUBCHAPTER I—ESTABLISHMENT, MISSIONS, AND AUTHORITY

''Sec.
''441. Establishment.
''442. Missions.
''443. Imagery intelligence and geospatial information support for foreign countries
''444. Support from Central Intelligence Agency.
''445. Protection of agency identifications and organizational information.

"§ 441. Establishment

''(a) ESTABLISHMENT.—The National Imagery and Mapping Agency is a combat support agency of the Department of Defense and has significant national missions.

''(b) DIRECTOR.—(1) The Director of the National Imagery and Mapping Agency is the head of the agency. The President shall appoint the Director.

''(2)(A) Upon a vacancy in the position of Director, the Secretary of Defense shall recommend to the President an individual for appointment to the position.

''(B) The Secretary shall seek the concurrence of the Director of Central Intelligence in recommending an individual for appointment under subparagraph (A). If the Director does not concur in the recommendation, the Secretary may make the recommendation to the President without the Director's concurrence, but shall include in the recommendation a statement that the Director does not concur in the recommendation.

''(3) If an officer of the armed forces is appointed to the position of Director under this subsection, the position is a position of importance and responsibility for purposes of section 601 of this title and carries the grade of lieutenant general, or, in the case of an officer of the Navy, vice admiral.

''(c) COLLECTION TASKING AUTHORITY.—The Director of Central Intelligence shall have authority to approve collection requirements, determine collection priorities, and resolve conflicts in collection priorities levied on national imagery collection assets, except as otherwise agreed by the Director and the Secretary of Defense pursuant to the direction of the President.

"§ 442. Missions

''(a) DEPARTMENT OF DEFENSE MISSIONS.—The National Imagery and Mapping Agency shall—

''(1) provide timely, relevant, and accurate imagery, imagery intelligence, and geospatial information in support of the national security objectives of the United States;

''(2) improve means of navigating vessels of the Navy and the merchant marine by providing, under the authority of the Secretary of Defense, accurate and inexpensive nautical charts, sailing directions, books on navigation, and manuals of instructions for the use of all vessels of the United States and of navigators generally; and

''(3) prepare and distribute maps, charts, books, and geodetic products as authorized under subchapter II of this chapter.

''(b) NATIONAL MISSION.—The National Imagery and Mapping Agency shall also have national missions as specified in section 120(a) of the National Security Act of 1947.

''(c) LIFE CYCLE SUPPORT.—The National Imagery and Mapping Agency may, in furtherance of a mission of the agency, design, develop, deploy, operate, and maintain systems related to the processing and dissemination of imagery intelligence and geospatial information that may be transferred to, accepted or used by, or used on behalf of—

''(1) the armed forces, including any combatant command, component of a combatant command, joint task force, or tactical unit; or

''(2) to any other department or agency of the United States.

"§ 443. Imagery intelligence and geospatial information support for foreign countries

''(a) APPROPRIATED FUNDS.—The Director of the National Imagery and Mapping Agency may use appropriated funds available to the National Imagery and Mapping Agency to provide foreign countries with imagery intelligence and geospatial information support.

''(b) FUNDS OTHER THAN APPROPRIATED FUNDS.—(1) Subject to paragraphs (2), (3), and (4), the Director is also authorized to use funds other than appropriated funds to provide foreign countries with imagery intelligence and geospatial information support.

''(2) Funds other than appropriated funds may not be expended, in whole or in part, by or for the benefit of the National Imagery

and Mapping Agency for a purpose for which Congress had previously denied funds.

''(3) Proceeds from the sale of imagery intelligence or geospatial information items may be used only to purchase replacement items similar to the items that are sold.

''(4) Funds other than appropriated funds may not be expended to acquire items or services for the principal benefit of the United States.

''(5) The authority to use funds other than appropriated funds under this section may be exercised notwithstanding provisions of law relating to the expenditure of funds of the United States.

''(c) ACCOMMODATION PROCUREMENTS.—The authority under this section may be exercised to conduct accommodation procurements on behalf of foreign countries.

''(d) COORDINATION WITH DIRECTOR OF CENTRAL INTELLIGENCE.—The Director shall coordinate with the Director of Central Intelligence any action under this section that involves imagery intelligence or intelligence products or involves providing support to an intelligence or security service of a foreign country.

''§ 444. Support from Central Intelligence Agency

''(a) SUPPORT AUTHORIZED.—The Director of Central Intelligence may provide support in accordance with this section to the Director of the National Imagery and Mapping Agency. The Director of the National Imagery and Mapping Agency may accept support provided under this section.

''(b) ADMINISTRATIVE AND CONTRACT SERVICES.—(1) In furtherance of the national intelligence effort, the Director of Central Intelligence may provide administrative and contract services to the National Imagery and Mapping Agency as if that agency were an organizational element of the Central Intelligence Agency.

''(2) Services provided under paragraph (1) may include the services of security police. For purposes of section 15 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403o), an installation of the National Imagery and Mapping Agency provided security police services under this section shall be considered an installation of the Central Intelligence Agency.

''(3) Support provided under this subsection shall be provided under terms and conditions agreed upon by the Secretary of Defense and the Director of Central Intelligence.

''(c) DETAIL OF PERSONNEL.—The Director of Central Intelligence may detail Central Intelligence Agency personnel indefinitely to the National Imagery and Mapping Agency without regard to any limitation on the duration of interagency details of Federal Government personnel.

''(d) REIMBURSABLE OR NONREIMBURSABLE SUPPORT.—Support under this section may be provided and accepted on either a reimbursable basis or a nonreimbursable basis.

''(e) AUTHORITY TO TRANSFER FUNDS.—(1) The Director of the National Imagery and Mapping Agency may transfer funds available for the agency to the Director of Central Intelligence for the Central Intelligence Agency.

''(2) The Director of Central Intelligence—

''(A) may accept funds transferred under paragraph (1); and

''(B) shall expend such funds, in accordance with the Central Intelligence Agency Act of 1949 (50 U.S.C. 403a et seq.), to provide administrative and contract services or detail personnel to the National Imagery and Mapping Agency under this section.

''§ 445. Protection of agency identifications and organizational information

''(a) UNAUTHORIZED USE OF AGENCY NAME, INITIALS, OR SEAL.—(1) Except with the written permission of the Secretary of Defense, no person may knowingly use, in connection with any merchandise, retail product, impersonation, solicitation, or commercial activity in a manner reasonably calculated to convey the impression that such use is approved, endorsed, or authorized by the Secretary of Defense, any of the following:

''(A) The words 'National Imagery and Mapping Agency', the initials 'NIMA', or the seal of the National Imagery and Mapping Agency.

''(B) The words 'Defense Mapping Agency', the initials 'DMA', or the seal of the Defense Mapping Agency.

''(C) Any colorable imitation of such words, initials, or seals.

''(2) Whenever it appears to the Attorney General that any person is engaged or about to engage in an act or practice which constitutes or will constitute conduct prohibited by paragraph (1), the Attorney General may initiate a civil proceeding in a district court of the United States to enjoin such act or practice. Such court shall proceed as soon as practicable to a hearing and determination of such action and may, at any time before such final determination, enter such restraining orders or prohibitions, or take such other action as is warranted, to prevent injury to the United States or to any person or class of persons for whose protection the action is brought.

''(b) PROTECTION OF ORGANIZATIONAL INFORMATION.—Notwithstanding any other provision of law, the Director of the National Imagery and Mapping Agency is not required to disclose the organization of the agency, any function of the agency, any information with respect to the activities of the agency, or the names, titles, salaries, or number of the persons employed by the agency. This subsection does not apply to disclosures of information to Congress.

''SUBCHAPTER II—MAPS, CHARTS, AND GEODETIC PRODUCTS

''Sec.
''451. Maps, charts, and books.
''452. Pilot charts.
''453. Prices of maps, charts, and navigational publications.
''454. Exchange of mapping, charting, and geodetic data with foreign countries and international organizations
''455. Maps, charts, and geodetic data: public availability; exceptions.
''456. Civil actions barred.

''SUBCHAPTER III—PERSONNEL MANAGEMENT

''Sec.
''461. Civilian personnel management generally.
''462. National Imagery and Mapping Senior Executive Service.
''463. Management rights.

''§ 461. Civilian personnel management generally

''(a) GENERAL PERSONNEL AUTHORITY.—The Secretary of Defense may, without regard to the provisions of any other law relating to the appointment, number, classification, or compensation of Federal employees—

''(1) establish such excepted service positions for employees in the National Imagery and Mapping Agency as the Secretary considers necessary to carry out the functions of those agencies, including positions designated under subsection (f) as National Imagery and Mapping Senior Level positions;

''(2) appoint individuals to those positions; and

''(3) fix the compensation for service in those positions.

''(b) AUTHORITY TO FIX RATES OF BASIC PAY AND OTHER ALLOWANCES AND BENEFITS.—(1) The Secretary of Defense shall, subject to subsection (c), fix the rates of basic pay for positions established under subsection (a) in relation to the rates of basic pay provided in subpart D of part III of title 5 for positions subject to that title which have corresponding levels of duties and responsibilities. Except as otherwise provided by law, an employee of the National Imagery and Mapping Agency may not be paid basic pay at a rate in excess of the maximum rate payable under section 5376 of title 5.

''(2) The Secretary of Defense may provide employees in positions of the National Imagery and Mapping Agency compensation (in addition to basic pay under paragraph (1)) and benefits, incentives, and allowances consistent with, and not in excess of the levels authorized for, comparable positions authorized by title 5.

''(c) PREVAILING RATES SYSTEMS.—The Secretary of Defense may, consistent with section 5341 of title 5, adopt such provisions of that title as provide for prevailing rate systems of basic pay and may apply those provisions to positions in or under which the National Imagery and Mapping Agency may employ individuals described in section 5342(a)(2)(A) of such title.

''(d) ALLOWANCES BASED ON LIVING COSTS AND ENVIRONMENT FOR EMPLOYEES STATIONED OUTSIDE CONTINENTAL UNITED STATES OR IN ALASKA.—(1) In addition to the basic compensation payable under subsection (b), employees of the National Imagery and Mapping Agency described in paragraph (3) may be paid an allowance, in accordance with regulations prescribed by the Secretary of Defense, at a rate not in excess of the allowance authorized to be paid under section 5941(a) of title 5 for employees whose rates of basic pay are fixed by statute.

''(2) Such allowance shall be based on—

''(A) living costs substantially higher than in the District of Columbia;

''(B) conditions of environment which—

''(i) differ substantially from conditions of environment in the continental United States; and

''(ii) warrant an allowance as a recruitment incentive; or

''(C) both of those factors.

''(3) This subsection applies to employees who—

''(A) are citizens or nationals of the United States; and

''(B) are stationed outside the continental United States or in Alaska.

''(e) TERMINATION OF EMPLOYEES.—(1) Notwithstanding any other provision of law, the Secretary of Defense may terminate the employment of any employee of the National Imagery and Mapping Agency if the Secretary—

''(A) considers such action to be in the interests of the United States; and

''(B) determines that the procedures prescribed in other provisions of law that authorize the termination of the employment of such employee cannot be invoked in a manner consistent with the national security.

''(2) A decision by the Secretary of Defense to terminate the employment of an employee under this subsection is final and may not be appealed or reviewed outside the Department of Defense.

''(3) The Secretary of Defense shall promptly notify the Committee on National Security and the Permanent Select Committee on Intelligence of the House of Representatives and the Committee on Armed Services and the Select Committee on Intelligence of the Senate whenever the Secretary terminates the employment of any employee under the authority of this subsection.

''(4) Any termination of employment under this subsection shall not affect the right of

the employee involved to seek or accept employment with any other department or agency of the United States if that employee is declared eligible for such employment by the Director of the Office of Personnel Management.

''(5) The authority of the Secretary of Defense under this subsection may be delegated only to the Deputy Secretary of Defense and the Director of the National Imagery and Mapping Agency. An action to terminate employment of an employee by any such officer may be appealed to the Secretary of Defense.

''(f) NATIONAL IMAGERY AND MAPPING SENIOR LEVEL POSITIONS.—(1) In carrying out subsection (a)(1), the Secretary may designate positions described in paragraph (3) as National Imagery and Mapping Senior Level positions.

''(2) Positions designated under this subsection shall be treated as equivalent for purposes of compensation to the senior level positions to which section 5376 of title 5 is applicable.

''(3) Positions that may be designated as National Imagery and Mapping Senior Level positions are positions in the National Imagery and Mapping Agency that (A) are classified above the GS–15 level, (B) emphasize function expertise and advisory activity, but (C) do not have the organizational or program management functions necessary for inclusion in the National Imagery and Mapping Senior Executive Service.

''(4) Positions referred to in paragraph (3) include National Imagery and Mapping Senior Technical positions and National Imagery and Mapping Senior Professional positions. For purposes of this subsection National Imagery and Mapping Senior Technical positions are positions covered by paragraph (3) if—

''(A) the positions involve—

''(i) research and development;

''(ii) test and evaluation;

''(iii) substantive analysis, liaison, or advisory activity focusing on engineering, physical sciences, computer science, mathematics, biology, chemistry, medicine, or other closely related scientific and technical fields; or

''(iv) intelligence disciplines including production, collection, and operations in close association with any of the activities described in clauses (i), (ii), and (iii) or related activities; or

''(B) the positions emphasize staff, liaison, analytical, advisory, or other activity focusing on intelligence, law, finance and accounting, program and budget, human resources management, training, information services, logistics, security, and other appropriate fields.

''(g) 'EMPLOYEE' DEFINED AS INCLUDING OFFICERS.—In this section, the term 'employee', with respect to the National Imagery and Mapping Agency, includes any civilian officer of that agency.

''§ 462. National Imagery and Mapping Senior Executive Service

''(a) ESTABLISHMENT.—The Secretary of Defense may establish a National Imagery and Mapping Senior Executive Service for senior civilian personnel within the National Imagery and Mapping Agency.

''(b) REQUIREMENTS FOR THE SERVICE.—In establishing a National Imagery and Mapping Senior Executive Service the Secretary shall—

''(1) meet the requirements set forth for the Senior Executive Service in section 3131 of title 5;

''(2) ensure that the National Imagery and Mapping Senior Executive Service positions satisfy requirements that are consistent with the provisions of section 3132(a)(2) of title 5;

''(3) prescribe rates of pay for the National Imagery and Mapping Senior Executive Service that are not in excess of the maximum rate of basic pay, nor less than the minimum rate of basic pay, established for the Senior Executive Service under section 5382 of title 5;

''(4) provide for adjusting the rates of pay at the same time and to the same extent as rates of basic pay for the Senior Executive Service are adjusted;

''(5) provide a performance appraisal system for the National Imagery and Mapping Senior Executive Service that conforms to the provisions of subchapter II of chapter 43 of title 5;

''(6) provide for removal consistent with section 3592 of title 5, and removal or suspension consistent with subsections (a), (b), and (c) of section 7543 of title 5 (except that any hearing or appeal to which a member of the National Imagery and Mapping Senior Executive Service is entitled shall be held or decided pursuant to procedures established by the Secretary of Defense);

''(7) permit the payment of performance awards to members of the National Imagery and Mapping Senior Executive Service consistent with the provisions applicable to performance awards under section 5384 of title 5;

''(8) provide that members of the National Imagery and Mapping Senior Executive Service may be granted sabbatical leaves consistent with the provisions of section 3396(c) of title 5; and

''(9) provide for the recertification of members of the National Imagery and Mapping Senior Executive Service consistent with the provisions of section 3393a of title 5.

''(c) AUTHORITY.—Except as otherwise provided in subsection (b), the Secretary of Defense may—

''(1) make applicable to the National Imagery and Mapping Senior Executive Service any of the provisions of title 5 that are applicable to applicants for or members of the Senior Executive Service; and

''(2) appoint, promote, and assign individuals to positions established within the National Imagery and Mapping Senior Executive Service without regard to the provisions of title 5 governing appointments and other personnel actions in the competitive service.

''(d) AWARD OF RANK.—The President, based on the recommendations of the Secretary of Defense, may award ranks to individuals who occupy positions in the National Imagery and Mapping Senior Executive Service in a manner consistent with the provisions of section 4507 of title 5.

''(e) DETAILS AND ASSIGNMENTS.—Notwithstanding any other provisions of this section, the Secretary of Defense may detail or assign any member of the National Imagery and Mapping Senior Executive Service to serve in a position outside the National Imagery and Mapping Agency in which the member's expertise and experience may be of benefit to the National Imagery and Mapping Agency or another Government agency. Any such member shall not by reason of such detail or assignment lose any entitlement or status associated with membership in the National Imagery and Mapping Senior Executive Service.

''§ 463. Management rights

''(a) SCOPE.—If there is no obligation under the provisions of chapter 71 of title 5 for the head of an agency of the United States to consult or negotiate with a labor organization on a particular matter by reason of that matter being covered by a provision of law or a Governmentwide regulation, the Director of the National Imagery and Mapping Agency is not obligated to consult or negotiate with a labor organization on that matter even if that provision of law or regulation is inapplicable to the National Imagery and Mapping Agency.

''(b) BARGAINING UNITS.—The National Imagery and Mapping Agency shall accord exclusive recognition to a labor organization under section 7111 of title 5 only for a bargaining unit that was recognized as appropriate for the Defense Mapping Agency on the day before the date on which employees and positions of the Defense Mapping Agency in that bargaining unit became employees and positions of the National Imagery and Mapping Agency under the National Imagery and Mapping Agency Act of 1996 (subtitle B of title IX of the National Defense Authorization Act for Fiscal Year 1997).

''(c) TERMINATION OF BARGAINING UNIT COVERAGE OF POSITION MODIFIED TO AFFECT NATIONAL SECURITY DIRECTLY.—(1) If the Director of the National Imagery and Mapping Agency determines that the responsibilities of a position within a collective bargaining unit should be modified to include intelligence, counterintelligence, investigative, or security duties not previously assigned to that position and that the performance of the newly assigned duties directly affects the national security of the United States, then, upon such a modification of the responsibilities of that position, the position shall cease to be covered by the collective bargaining unit and the employee in that position shall cease to be entitled to representation by a labor organization accorded exclusive recognition for that collective bargaining unit.

''(2) A determination described in paragraph (1) that is made by the Director of the National Imagery and Mapping Agency may not be reviewed by the Federal Labor Relations Authority or any court of the United States.

''SUBCHAPTER IV—DEFINITIONS

''Sec.

''471. Definitions.

''§ 471. Definitions

''In this chapter:

''(1) The term 'function' means any duty, obligation, responsibility, privilege, activity, or program.

''(2)(A) The term 'imagery' means, except as provided in subparagraph (B), a likeness or presentation of any natural or manmade feature or related object or activity and the positional data acquired at the same time the likeness or representation was acquired, including—

''(i) products produced by space-based national intelligence reconnaissance systems; and

''(ii) likenesses or presentations produced by satellites, airborne platforms, unmanned aerial vehicles, or other similar means.

''(B) The term does not include handheld or clandestine photography taken by or on behalf of human intelligence collection organizations.

''(3) The term 'imagery intelligence' means the technical, geographic, and intelligence information derived through the interpretation or analysis of imagery and collateral materials.

''(4) The term 'geospatial information' means information that identifies the geographic location and characteristics of natural or constructed features and boundaries on the earth and includes—

''(A) statistical data and information derived from, among other things, remote sensing, mapping, and surveying technologies;

''(B) mapping, charting, and geodetic data; and

''(C) geodetic products, as defined in section 455(c) of this title.''.

(b) TRANSFER OF CHAPTER 167 PROVISIONS.—Sections 2792, 2793, 2794, 2795, 2796, and 2798 of title 10, United States Code, are transferred to subchapter II of chapter 22 of such title,

as added by subsection (a), are inserted in that sequence in such subchapter following the table of sections, and are redesignated in accordance with the following table:

Section transferred	Section as redesignated
2792	451
2793	452
2794	453
2795	454
2796	455
2798	456.

(c) OVERSIGHT OF AGENCY AS A COMBAT SUPPORT AGENCY.—Section 193 of title 10, United States Code, is amended—

(1) in subsection (d)—

(A) by striking out the caption and inserting in lieu thereof ''REVIEW OF NATIONAL SECURITY AGENCY AND NATIONAL IMAGERY AND MAPPING AGENCY.—'';

(B) in paragraph (1)—

(i) by inserting ''and the National Imagery and Mapping Agency'' after ''the National Security Agency''; and

(ii) by striking out ''the Agency'' and inserting in lieu thereof ''that the agencies''; and

(C) in paragraph (2), by inserting ''and the National Imagery and Mapping Agency'' after ''the National Security Agency'';

(2) in subsection (e)—

(A) by striking out ''DIA AND NSA'' in the caption and inserting in lieu thereof the following: ''DIA, NSA, AND NIMA.—''; and

(B) by striking out ''and the National Security Agency'' and inserting in lieu thereof '', the National Security Agency, and the National Imagery and Mapping Agency''; and

(3) in subsection (f), by striking out paragraph (4) and inserting in lieu thereof the following:

''(4) The National Imagery and Mapping Agency.''.

(d) SPECIAL PRINTING AUTHORITY FOR AGENCY.—(1) Section 207(a)(2)(B) of the Legislative Branch Appropriations Act, 1993 (Public Law 102–392; 44 U.S.C. 501 note) is amended by inserting ''National Imagery and Mapping Agency,'' after ''Defense Intelligence Agency,''.

(2) Section 1336 of title 44, United States Code, is amended—

(A) by striking out ''Secretary of the Navy'' and inserting in lieu thereof ''Director of the National Imagery and Mapping Agency''; and

(B) by striking out ''United States Naval Oceanographic Office'' and inserting in lieu thereof ''National Imagery and Mapping Agency''.

SEC. 922. TRANSFERS.

(a) DEPARTMENT OF DEFENSE.—The missions and functions of the following elements of the Department of Defense are transferred to the National Imagery and Mapping Agency:

(A) The Defense Mapping Agency.

(B) The Central Imagery Office.

(C) Other elements of the Department of Defense as provided in the classified annex to this Act.

(b) CENTRAL INTELLIGENCE AGENCY.—The missions and functions of the following elements of the Central Intelligence Agency are transferred to the National Imagery and Mapping Agency:

(A) The National Photographic Interpretation Center.

(B) Other elements of the Central Intelligence Agency as provided in the classified annex to this Act.

(c) PERSONNEL AND ASSETS.—(1) Subject to paragraphs (2) and (3), the personnel, assets, unobligated balances of appropriations and authorizations of appropriations, and, to the extent jointly determined appropriate by the Secretary of Defense and Director of Central Intelligence, obligated balances of appropriations and authorizations of appropriations employed, used, held, arising from, or available in connection with the missions and functions transferred under subsection (a) or (b) are transferred to the National Imagery and Mapping Agency. A transfer may not be made under the preceding sentence for any program or function for which funds are not appropriated to the National Imagery and Mapping Agency for fiscal year 1997. Transfers of appropriations from the Central Intelligence Agency under this paragraph shall be made in accordance with section 1531 of title 31, United States Code.

(2) Not earlier than two years after the effective date of this subtitle, the Secretary of Defense and the Director of Central Intelligence shall determine which, if any, positions and personnel of the Central Intelligence Agency are to be transferred to the National Imagery and Mapping Agency. The positions to be transferred, and the employees serving in such positions, shall be transferred to the National Imagery and Mapping Agency under terms and conditions prescribed by the Secretary of Defense and the Director of Central Intelligence.

(3) If the National Photographic Interpretation Center of the Central Intelligence Agency or any imagery-related activity of the Central Intelligence Agency authorized to be performed by the National Imagery and Mapping Agency is not completely transferred to the National Imagery and Mapping Agency, the Secretary of Defense and the Director of Central Intelligence shall—

(A) jointly determine which, if any, contracts, leases, property, and records employed, used, held, arising from, available to, or otherwise relating to such Center or activity is to be transferred to the National Imagery and Intelligence Agency; and

(B) provide by written agreement for the transfer of such items.

SEC. 923. COMPATIBILITY WITH AUTHORITY UNDER THE NATIONAL SECURITY ACT OF 1947.

(a) AGENCY FUNCTIONS.—Section 105(b) of the National Security Act of 1947 (50 U.S.C. 403–5(b)) is amended by striking out paragraph (2) and inserting in lieu thereof the following:

''(2) through the National Imagery and Mapping Agency (except as otherwise directed by the President or the National Security Council), with appropriate representation from the intelligence community, the continued operation of an effective unified organization within the Department of Defense—

''(A) for carrying out tasking of imagery collection;

''(B) for the coordination of imagery processing and exploitation activities;

''(C) for ensuring the dissemination of imagery in a timely manner to authorized recipients; and

''(D) notwithstanding any other provision of law, for—

''(i) prescribing technical architecture and standards related to imagery intelligence and geospatial information and ensuring compliance with such architecture and standards; and

''(ii) developing and fielding systems of common concern related o imagery intelligence and geospatial information;''.

(b) NATIONAL MISSION.—Title I of such Act (50 U.S.C. 402 et seq.) is amended by adding at the end the following:

''NATIONAL MISSION OF NATIONAL IMAGERY AND MAPPING AGENCY

''SEC. 120. (a) IN GENERAL.—In addition to the Department of Defense missions set forth in section 442 of title 10, United States Code, the National Imagery and Mapping Agency shall also support the imagery requirements of the Department of State and other departments and agencies of the United States outside the Department of Defense.

''(b) REQUIREMENTS AND PRIORITIES.—The Director of Central Intelligence shall establish requirements and priorities governing the collection of national intelligence by the National Imagery and Mapping Agency under subsection (a).

''(c) CORRECTION OF DEFICIENCIES.—The Director of Central Intelligence shall develop and implement such programs and policies as the Director and the Secretary jointly determine necessary to review and correct deficiencies identified in the capabilities of the National Imagery and Mapping Agency to accomplish assigned national missions. The Director shall consult with the Secretary of Defense on the development and implementation of such programs and policies. The Secretary shall obtain the advice of the Chairman of the Joint Chiefs of Staff regarding the matters on which the Director and the Secretary are to consult under the preceding sentence.''.

(c) TASKING OF IMAGERY ASSETS.—Title I of such Act is further amended by adding at the end the following:

''COLLECTION TASKING AUTHORITY

''SEC. 121. The Director of Central Intelligence shall have authority to approve collection requirements, determine collection priorities, and resolve conflicts in collection priorities levied on national imagery collection assets, except as otherwise agreed by the Director and the Secretary of Defense pursuant to the direction of the President.''.

(d) CLERICAL AMENDMENT.—The table of contents in the first section of such Act is amended by inserting after section 109 the following new items:

''Sec. 120. National mission of National Imagery and Mapping Agency.

''Sec. 121. Collection tasking authority.''.

SEC. 924. OTHER PERSONNEL MANAGEMENT AUTHORITIES.

(a) COMPARABLE TREATMENT WITH OTHER INTELLIGENCE SENIOR EXECUTIVE SERVICES.—Title 5, United States Code, is amended as follows:

(1) In section 2108(3), by inserting ''the National Imagery and Mapping Senior Executive Service,'' after ''the Senior Cryptologic Executive Service,'' in the matter following subparagraph (F)(iii).

(2) In section 6304(f)(1), by—

(A) by striking out ''or'' at the end of subparagraph (D);

(B) by striking out the period at the end of in subparagraph (E) and inserting in lieu thereof ''; or''; and

(C) by adding at the end the following:

''(F) the National Imagery and Mapping Senior Executive Service.''; and

(3) In sections 8336(h)(2) and 8414(a)(2), by striking out ''or the Senior Cryptologic Executive Service'' and inserting in lieu thereof '', the Senior Cryptologic Executive Service, or the National Imagery and Mapping Senior Executive Service''.

(b) CENTRAL IMAGERY OFFICE PERSONNEL MANAGEMENT AUTHORITIES.—

(1) NONDUPLICATION OF COVERAGE BY DEFENSE INTELLIGENCE SENIOR EXECUTIVE SERVICE.—Section 1601 of title 10, United States Code, is amended—

(A) in subsection (a), by striking out ''and the Central Imagery Office'';

(B) in subsection (d), by striking out ''or the Central Imagery Office in which the member's expertise and experience may be of benefit to the Defense Intelligence Agency, the Central Imagery Office,'' in the first sentence and inserting in lieu thereof ''in which the member's expertise and experience may be of benefit to the Defense Intelligence Agency''; and

(C) in subsection (e), by striking out ''and the Central Imagery Office'' in the first sentence.

(2) MERIT PAY.—Section 1602 of such title is amended by striking out ''and Central Imagery Office''.

(3) MISCELLANEOUS AUTHORITIES.—Subsection 1604 of such title is amended—

(A) in subsection (a)(1)—

(i) by striking out ''and the Central Imagery Office''; and

(ii) by striking out ''and Office'';

(B) in subsection (b)—

(i) in paragraph (1), by striking out ''or the Central Imagery Office'' in the second sentence; and

(ii) in paragraph (2), by striking out ''and the Central Imagery Office'';

(C) in subsection (c), by striking out ''or the Central Imagery Office'';

(D) in subsection (d)(1), by striking out ''and the Central Imagery Office'';

(E) in subsection (e)—

(i) in paragraph (1), by striking out ''or the Central Imagery Office''; and

(ii) in paragraph (5) by striking out '', the Director of the Defense Intelligence Agency (with respect to employees of the Defense Intelligence Agency), and the Director of the Central Imagery Office (with respect to employees of the Central Imagery Office)'' and inserting in lieu thereof ''and the Director of the Defense Intelligence Agency (with respect to employees of the Defense Intelligence Agency)'';

(F) in subsection (f)(3), by striking out ''and Central Imagery Office''; and

(G) in subsection (g)—

(i) by striking out ''or the Central Imagery Office''; and

(ii) by striking out ''or Office''.

(c) APPLICABILITY OF FEDERAL LABOR-MANAGEMENT RELATIONS SYSTEM.—Section 7103(a)(3) of title 5, United States Code is amended—

(1) by inserting ''or'' at the end of subparagraph (F);

(2) by striking out ''; or'' at the end of subparagraph (G) and inserting in lieu thereof a period; and

(3) by striking out subparagraph (H).

(d) APPLICABILITY OF AUTHORITY AND PROCEDURES FOR IMPOSING CERTAIN ADVERSE ACTIONS.—Section 7511(b)(8) of title 5, United States Code, is amended by striking out ''Central Imagery Office''.

SEC. 925. CREDITABLE CIVILIAN SERVICE FOR CAREER CONDITIONAL EMPLOYEES OF THE DEFENSE MAPPING AGENCY.

In the case of an employee of the National Imagery and Mapping Agency who, on the day before the effective date of this subtitle, was an employee of the Defense Mapping Agency in a career-conditional status, the continuous service of that employee as an employee of the National Imagery and Mapping Agency on and after such date shall be considered creditable service for the purpose of any determination of the career status of the employee.

SEC. 926. SAVING PROVISIONS.

(a) CONTINUING EFFECT ON LEGAL DOCUMENTS.—All orders, determinations, rules, regulations, permits, agreements, international agreements, grants, contracts, leases, certificates, licenses, registrations, privileges, and other administrative actions—

(1) which have been issued, made, granted, or allowed to become effective by the President, any Federal agency or official thereof, or by a court of competent jurisdiction, in connection with any of the functions which are transferred under this subtitle or any function that the National Imagery and Mapping Agency is authorized to perform by law, and

(2) which are in effect at the time this title takes effect, or were final before the effective date of this subtitle and are to become effective on or after the effective date of this subtitle,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the Secretary of Defense, the Director of the National Imagery and Mapping Agency or other authorized official, a court of competent jurisdiction, or by operation of law.

(b) PROCEEDINGS NOT AFFECTED.—This subtitle and the amendments made by this subtitle shall not affect any proceedings, including notices of proposed rulemaking, or any application for any license, permit, certificate, or financial assistance pending before an element of the Department of Defense or Central Intelligence Agency at the time this subtitle takes effect, with respect to function of that element transferred by section 922, but such proceedings and applications shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this subtitle had not been enacted, and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing in this section shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this subtitle had not been enacted.

(c) SEVERABILITY.—If any provision of this subtitle (or any amendment made by this subtitle), or the application of such provision (or amendment) to any person or circumstance is held unconstitutional, the remainder of this subtitle (or of the amendments made by this subtitle) shall not be affected by that holding.

SEC. 927. DEFINITIONS.

In this part, the terms ''function'', ''imagery'', ''imagery intelligence'', and ''geospatial information'' have the meanings given those terms in section 461 of title 10, United States Code, as added by section 921.

SEC. 928. AUTHORIZATION OF APPROPRIATIONS.

Funds are authorized to be appropriated for the National Imagery and Mapping Agency for fiscal year 1997 in amounts and for purposes, and subject to the terms, conditions, limitations, restrictions, and requirements, that are set forth in the Classified Annex to this Act.

PART II—CONFORMING AMENDMENTS AND EFFECTIVE DATES

SEC. 931. REDESIGNATION AND REPEALS.

(a) REDESIGNATION.—Chapter 23 of title 10, United States Code (as redesignated by section 921(a)(1)) is amended by redesignating the section in that chapter as section 481.

(b) REPEAL OF SUPERSEDED LAW.—Chapter 167 of such title, as amended by section 921(b), is repealed.

SEC. 932. REFERENCES.

(a) TITLE 5, UNITED STATES CODE.—Title 5, United States Code, is amended as follows:

(1) CENTRAL IMAGERY OFFICE.—In sections 2302(a)(2)(C)(ii), 3132(a)(1)(B), 4301(1) (in clause (ii)), 4701(a)(1)(B), 5102(a)(1) (in clause (xi)), 5342(a)(1)(L), 6339(a)(1)(E), and 7323(b)(2)(B)(i)(XIII), by striking out ''Central Imagery Office'' and inserting in lieu thereof ''National Imagery and Mapping Agency''.

(2) DIRECTOR, CENTRAL IMAGERY OFFICE.—In section 6339(a)(2)(E), by striking out ''Central Imagery Office, the Director of the Central Imagery Office'' and inserting in lieu thereof ''National Imagery and Mapping Agency, the Director of the National Imagery and Mapping Agency''.

(b) TITLE 10, UNITED STATES CODE.—Title 10, United States Code, is amended as follows:

(1) CENTRAL IMAGERY OFFICE.—In section 1599(f)(4), by striking out ''Central Imagery Office'' and inserting in lieu thereof ''National Imagery and Mapping Agency''.

(2) DEFENSE MAPPING AGENCY.—In sections 451(1), 452, 453, 454, and 455 (in subsections (a) and (b)(1)(C)), and 456, as redesignated by section 921(b), by striking out ''Defense Mapping Agency'' each place it appears and inserting in lieu thereof ''National Imagery and Mapping Agency''.

(c) OTHER LAWS.—

(1) NATIONAL SECURITY ACT OF 1947.—Section 3(4)(E) of the National Security Act of 1947 (50 U.S.C. 401a(4)(E) is amended by striking out ''Central Imagery Office'' and inserting in lieu thereof ''National Imagery and Mapping Agency''.

(2) ETHICS IN GOVERNMENT ACT OF 1978.—Section 105(a) of the Ethics in Government Act of 1978 (Public Law 95–521; 5 U.S.C. App. 4) is amended by striking out ''Central Imagery Office'' and inserting in lieu thereof ''National Imagery and Mapping Agency''.

(3) EMPLOYEE POLYGRAPH PROTECTION ACT.—Section 7(b)(2)(A)(i) of the Employee Polygraph Protection Act of 1988 (Public Law 100–347; 29 U.S.C. 2006(b)(2)(A)(i)) is amended by striking out ''Central Imagery Office'' and inserting in lieu thereof ''National Imagery and Mapping Agency''.

(d) CROSS REFERENCE.—Section 82 of title 14, United States Code, is amended by striking out ''chapter 167'' and inserting in lieu thereof ''subchapter II of chapter 22''.

SEC. 933. HEADINGS AND CLERICAL AMENDMENTS.

(a) TITLE 10, UNITED STATES CODE.—

(1) HEADING.—The heading of chapter 83 of title 10, United States Code, is amended to read as follows:

''CHAPTER 83—DEFENSE INTELLIGENCE AGENCY CIVILIAN PERSONNEL''.

(2) CLERICAL AMENDMENTS.—(A) The table of chapters at the beginning of subtitle A of title 10, United States Code, is amended—

(i) by striking out the item relating to chapter 22 and inserting in lieu thereof the following:

''22. National Imagery and Mapping Agency 441
''23. Miscellaneous Studies and Reports ..... 471'';

(ii) by striking out the item relating to chapter 83 and inserting in lieu thereof the following:

''83. Defense Intelligence Agency Civilian Personnel ..... 1601'';

and

(iii) by striking out the item relating to chapter 167.

(B) The table of chapters at the beginning of part I of such subtitle is amended by striking out the item relating to chapter 22 and inserting in lieu thereof the following:

''22. National Imagery and Mapping Agency 441
''23. Miscellaneous Studies and Reports ..... 471'';

(C) The item relating to chapter 83 in the table of chapters at the beginning of part II of such subtitle is amended to read as follows:

''83. Defense Intelligence Agency Civilian Personnel ..... 1601''.

(D) The table of chapters at the beginning of part IV of such subtitle is amended by striking out the item relating to chapter 167.

(E) The item in the table of sections at the beginning of chapter 23 of title 10, United States Code (as redesignated by section 921), is amended to read as follows:

''481. Racial and ethnic issues; biennial survey; biennial report.''.

(b) TITLE 44, UNITED STATES CODE.—

(1) SECTION HEADING.—The heading of section 1336 of title 44, United States Code, is amended to read as follows:

''§ 1336. National Imagery and Mapping Agency: special publications''.

(2) CLERICAL AMENDMENT.—The item relating to such section in the tables of sections at the beginning of chapter 13 of such title is amended to read as follows:

''1336. National Imagery and Mapping Agency: special publications.''.

SEC. 934. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided in subsection (b), this subtitle and the amendments made by this subtitle shall take effect on the later of October 1, 1996, or the date of the enactment of an Act appropriating funds for fiscal year 1997 for the National Imagery and Mapping Agency.

(b) EXCEPTION.—Section 928 shall take effect on the date of the enactment of this Act.

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

SEC. 1001. TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—(1) Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 1997 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) The total amount of authorizations that the Secretary of Defense may transfer under the authority of this section may not exceed $2,000,000,000.

(b) LIMITATIONS.—The authority provided by this section to transfer authorizations—

(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and

(2) may not be used to provide authority for an item that has been denied authorization by Congress.

(c) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) NOTICE TO CONGRESS.—The Secretary shall promptly notify Congress of each transfer made under subsection (a).

SEC. 1002. AUTHORITY FOR OBLIGATION OF CERTAIN UNAUTHORIZED FISCAL YEAR 1996 DEFENSE APPROPRIATIONS.

(a) AUTHORITY.—The amounts described in subsection (b) may be obligated and expended for programs, projects, and activities of the Department of Defense in accordance with fiscal year 1996 defense appropriations.

(b) COVERED AMOUNTS.—The amounts referred to in subsection (a) are the amounts provided for programs, projects, and activities of the Department of Defense in fiscal year 1996 defense appropriations that are in excess of the amounts provided for such programs, projects, and activities in fiscal year 1996 defense authorizations.

(c) DEFINITIONS.—For the purposes of this section:

(1) FISCAL YEAR 1996 DEFENSE APPROPRIATIONS.—The term ''fiscal year 1996 defense appropriations'' means amounts appropriated or otherwise made available to the Department of Defense for fiscal year 1996 in the Department of Defense Appropriations Act, 1996 (Public Law 104–61).

(2) FISCAL YEAR 1996 DEFENSE AUTHORIZATIONS.—The term ''fiscal year 1996 defense authorizations'' means amounts authorized to be appropriated for the Department of Defense for fiscal year 1996 in the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106).

SEC. 1003. AUTHORIZATION OF PRIOR EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 1996.

Amounts authorized to be appropriated to the Department of Defense for fiscal year 1996 in the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106) are hereby adjusted, with respect to any such authorized amount, by the amount by which appropriations pursuant to such authorization were increased (by a supplemental appropriation) or decreased (by a rescission), or both, in the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (Public Law 104–134).

SEC. 1004. USE OF FUNDS TRANSFERRED TO THE COAST GUARD.

(a) LIMITATION.—Funds appropriated to the Department of Defense for fiscal year 1997 that are transferred to the Coast Guard may be used only for the performance of national security functions of the Coast Guard in support of the Department of Defense.

(b) CERTIFICATION REQUIRED.—Funds described in subsection (a) may not be transferred to the Coast Guard until the Secretary of Defense and the Secretary of Transportation jointly certify to Congress that the funds so transferred will be used only as described in subsection (a).

(c) GAO AUDIT.—The Comptroller General of the United States shall—

(1) audit, from time to time, the use of funds transferred to the Coast Guard from appropriations for the Department of Defense for fiscal year 1997 in order to verify that the funds are being used in accordance with the limitation in subsection (a); and

(2) notify the congressional defense committees of any use of such funds that, in the judgment of the Comptroller General, is a significant violation of such limitation.

SEC. 1005. USE OF MILITARY-TO-MILITARY CONTACTS FUNDS FOR PROFESSIONAL MILITARY EDUCATION AND TRAINING.

Section 168(c) of title 10, United States Code, is amended by adding at the end the following:

''(9) Military education and training for military and civilian personnel of foreign countries (including transportation expenses, expenses for translation services, and administrative expenses to the extent that the expenses are related to the providing of such education and training to such personnel).''.

SEC. 1006. PAYMENT OF CERTAIN EXPENSES RELATING TO HUMANITARIAN AND CIVIC ASSISTANCE.

Section 401(c) of title 10, United States Code, is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by inserting after paragraph (1) the following new paragraph (2):

''(2) Expenses covered by paragraph (1) include the following expenses incurred in the providing of assistance described in subsection (e)(5):

''(A) Travel, transportation, and subsistence expenses of Department of Defense personnel providing the assistance.

''(B) The cost of any equipment, services, or supplies acquired for the purpose of carrying out or supporting activities described in such subsection (e)(5), including any nonlethal, individual or small-team landmine cleaning equipment or supplies that are to be transferred or otherwise furnished to a foreign country in furtherance of the provision of assistance under this section.

''(C) The cost of any equipment, services, or supplies provided pursuant to subparagraph (B) may not exceed $5,000,000 each year.''.

SEC. 1007. REIMBURSEMENT OF DEPARTMENT OF DEFENSE FOR COSTS OF DISASTER ASSISTANCE PROVIDED OUTSIDE THE UNITED STATES.

Section 404 of title 10, United States Code, is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection (d):

''(d) REIMBURSEMENT POLICY.—It is the sense of Congress that, whenever the President directs the Secretary of Defense to provide disaster assistance outside the United States under subsection (a)—

''(1) the President should direct the Administrator of the Agency for International Development to reimburse the Department of Defense for the cost to the Department of Defense of the assistance provided; and

''(2) a reimbursement by the Administrator should be paid out of funds available under chapter 9 of part I of the Foreign Assistance Act of 1961 for international disaster assistance for the fiscal year in which the cost is incurred.''.

SEC. 1008. FISHER HOUSE TRUST FUND FOR THE NAVY.

(a) AUTHORITY.—Section 2221 of title 10, United States Code, is amended—

(1) in subsection (a), by adding at the end the following:

''(3) The Fisher House Trust Fund, Department of the Navy.'';

(2) in subsection (c)—

(A) by redesignating paragraph (3) as paragraph (4); and

(B) by inserting after paragraph (2) the following new paragraph (3):

''(3) Amounts in the Fisher House Trust Fund, Department of the Navy, that are attributable to earnings or gains realized from investments shall be available for the operation and maintenance of Fisher houses that are located in proximity to medical treatment facilities of the Navy.''; and

(3) in subsection (d)(1), by striking out ''or the Air Force'' and inserting in lieu thereof '', the Air Force, or the Navy''.

(b) CORPUS OF TRUST FUNDS.—The Secretary of the Navy shall transfer to the Fisher House Trust Fund, Department of the Navy, established by section 2221(a)(3) of title 10, United States Code (as added by subsection (a)(1)), all amounts in the accounts for Navy installations and other facilities that, as of the date of the enactment of this Act, are available for operation and maintenance of Fisher houses, as defined in section 2221(d) of such title.

(c) CONFORMING AMENDMENTS.—Section 1321 of title 31, United States Code, is amended—

(1) in subsection (a), by adding at the end the following:

''(94) Fisher House Trust Fund, Department of the Navy.''; and

(2) in subsection (b)(2), by adding at the end the following:

''(D) Fisher House Trust Fund, Department of the Navy.''.

SEC. 1009. DESIGNATION AND LIABILITY OF DISBURSING AND CERTIFYING OFFICIALS FOR THE COAST GUARD.

(a) DISBURSING OFFICIALS.—(1) Section 3321(c) of title 31, United States Code, is amended by adding at the end the following:

''(3) The Department of Transportation (with respect to public money available for expenditure by the Coast Guard when it is not operating as a service in the Navy).''.

(2)(A) Chapter 17 of title 14, United States Code, is amended by adding at the end the following:

''§ 673. Designation, powers, and accountability of deputy disbursing officials

''(a)(1) Subject to paragraph (3), a disbursing official of the Coast Guard may designate a deputy disbursing official—

''(A) to make payments as the agent of the disbursing official;

''(B) to sign checks drawn on disbursing accounts of the Secretary of the Treasury; and

''(C) to carry out other duties required under law.

''(2) The penalties for misconduct that apply to a disbursing official apply to a deputy disbursing official designated under this subsection.

''(3) A disbursing official may make a designation under paragraph (1) only with the approval of the Secretary of Transportation (when the Coast Guard is not operating as a service in the Navy).

''(b)(1) If a disbursing official of the Coast Guard dies, becomes disabled, or is separated from office, a deputy disbursing official may continue the accounts and payments in the name of the former disbursing official until the last day of the second month after the month in which the death, disability, or separation occurs. The accounts and payments shall be allowed, audited, and settled as provided by law. The Secretary of the Treasury shall honor checks signed in the name of the former disbursing official in the same way as if the former disbursing official had continued in office.

''(2) The deputy disbursing official, and not the former disbursing official or the estate of the former disbursing official, is liable for the actions of the deputy disbursing official under this subsection.

''(c)(1) Except as provided in paragraph (2), this section does not apply to the Coast Guard when section 2773 of title 10 applies to the Coast Guard by reason of the operation of the Coast Guard as a service in the Navy.

''(2) A designation of a deputy disbursing official under subsection (a) that is made while the Coast Guard is not operating as a service in the Navy continues in effect for purposes of section 2773 of title 10 while the Coast Guard operates as a service in the Navy unless and until the designation is terminated by the disbursing official who made the designation or an official authorized to approve such a designation under subsection (a)(3) of such section.''.

(B) The table of sections at the beginning of such chapter is amended by adding at the end the following:

''673. Designation, powers, and accountability of deputy disbursing officials.''.

(b) DESIGNATION OF MEMBERS OF THE ARMED FORCES TO HAVE AUTHORITY TO CERTIFY VOUCHERS.—Section 3325(b) of title 31, United States Code, is amended by striking out ''members of the armed forces under the jurisdiction of the Secretary of Defense may certify vouchers when authorized, in writing, by the Secretary to do so'' and inserting in lieu thereof ''members of the armed forces may certify vouchers when authorized, in writing, by the Secretary of Defense or, in the case of the Coast Guard when it is not operating as a service in the Navy, by the Secretary of Transportation''.

(c) CONFORMING AMENDMENTS.—(1) Section 1007(a) of title 37, United States Code, is amended by inserting after ''Secretary of Defense'' the following: ''(or the Secretary of Transportation, in the case of an officer of the Coast Guard when the Coast Guard is not operating as a service in the Navy)''.

(2) Section 3527(b)(1) of title 31, United States Code, is amended—

(A) in subparagraph (A)(i), by inserting after ''Department of Defense'' the following: ''(or the Secretary of Transportation, in the case of a disbursing official of the Coast Guard when the Coast Guard is not operating as a service in the Navy)''; and

(B) in subparagraph (B), by inserting after ''or the Secretary of the appropriate military department'' the following: ''(or the Secretary of Transportation, in the case of a disbursing official of the Coast Guard when the Coast Guard is not operating as a service in the Navy)''.

SEC. 1010. AUTHORITY TO SUSPEND OR TERMINATE COLLECTION ACTIONS AGAINST DECEASED MEMBERS OF THE COAST GUARD.

Section 3711(g) of title 31, United States Code, is amended—

(1) in paragraph (1), by striking out ''or Marine Corps'' and inserting in lieu thereof ''Marine Corps, or Coast Guard'';

(2) by redesignating paragraph (2) as paragraph (3); and

(3) by inserting after paragraph (1) the following new paragraph (2):

''(2) The Secretary of Transportation may suspend or terminate an action by the Secretary under subsection (a) to collect a claim against the estate of a person who died while serving on active duty as a member of the Coast Guard if the Secretary determines that, under the circumstances applicable with respect to the deceased person, it is appropriate to do so.''.

SEC. 1011. CHECK CASHING AND EXCHANGE TRANSACTIONS WITH CREDIT UNIONS OUTSIDE THE UNITED STATES.

Section 3342(b) of title 31, United States Code, is amended—

(1) by striking out ''and'' at the end of paragraph (5);

(2) by striking out the period at the end of paragraph (6) and inserting in lieu thereof ''; and''; and

(3) by adding at the end the following:

''(7) a Federal credit union (as defined in section 101(1) of the Federal Credit Union Act (12 U.S.C. 1752(1)) that is operating at Department of Defense invitation in a foreign country where contractor-operated military banking facilities are not available.''.

Subtitle B—Naval Vessels and Shipyards

SEC. 1021. AUTHORITY TO TRANSFER NAVAL VESSELS.

(a) EGYPT.—The Secretary of the Navy may transfer to the Government of Egypt the ''OLIVER HAZARD PERRY'' frigate GALLERY. Such transfer shall be on a sales basis under section 21 of the Arms Export Control Act (22 U.S.C. 2761; relating to the foreign military sales program).

(b) MEXICO.—The Secretary of the Navy may transfer to the Government of Mexico the ''KNOX'' class frigates STEIN (FF 1065) and MARVIN SHIELDS (FF 1066). Such transfers shall be on a sales basis under section 21 of the Arms Export Control Act (22 U.S.C. 2761).

(c) NEW ZEALAND.—The Secretary of the Navy may transfer to the Government of New Zealand the ''STALWART'' class ocean surveillance ship TENACIOUS. Such transfer shall be on a sales basis under section 21 of the Arms Export Control Act (22 U.S.C. 2761).

(d) PORTUGAL.—The Secretary of the Navy may transfer to the Government of Portugal the ''STALWART'' class ocean surveillance ship AUDACIOUS. Such transfer shall be on a grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j; relating to transfers of excess defense articles).

(e) TAIWAN.—The Secretary of the Navy may transfer to the Taipei Economic and Cultural Representative Office in the United States (which is the Taiwan instrumentality designated pursuant to section 10(a) of the Taiwan Relations Act) the following:

(1) The ''KNOX'' class frigates AYLWIN (FF 1081), PHARRIS (FF 1094), and VALDEZ (FF 1096). Such transfers shall be on a sales basis under section 21 of the Arms Export Control Act (22 U.S.C. 2761).

(2) The ''NEWPORT'' class tank landing ship NEWPORT (LST 1179). Such transfer shall be on a lease basis under section 61 of the Arms Export Control Act (22 U.S.C. 2796).

(f) THAILAND.—The Secretary of the Navy may transfer to the Government of Thailand the ''KNOX'' class frigate OUELLET (FF 1077). Such transfer shall be on a sales basis under section 21 of the Arms Export Control Act (22 U.S.C. 2761).

(g) COSTS OF TRANSFER.—Any expense of the United States in connection with a transfer authorized by this section shall be charged to the recipient.

(h) REPAIR AND REFURBISHMENT OF VESSELS.—The Secretary of the Navy shall require, to the maximum extent possible, as a condition of a transfer of a vessel under this section, that the country to which the vessel is transferred have such repair or refurbishment of the vessel as is needed, before the vessel joins the naval forces of that country, performed at a shipyard located in the United States, including a United States Navy shipyard.

(i) EXPIRATION OF AUTHORITY.—Any authority for transfer granted by this section shall expire at the end of the 2-year period beginning on the date of the enactment of this Act.

SEC. 1022. TRANSFER OF CERTAIN OBSOLETE TUGBOATS OF THE NAVY.

(a) REQUIREMENT TO TRANSFER VESSELS.—The Secretary of the Navy shall transfer the six obsolete tugboats of the Navy specified in subsection (b) to the Northeast Wisconsin Railroad Transportation Commission, an instrumentality of the State of Wisconsin, if the Secretary determines that the tugboats are not needed for transfer, donation, or other disposal under title II of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481 et seq.). A transfer made under the preceding sentence shall be made without reimbursement to the United States.

(b) VESSELS COVERED.—The requirement in subsection (a) applies to the six decommissioned Cherokee class tugboats, listed as of the date of the enactment of this Act as being surplus to the Navy, that are designated as ATF–105, ATF–110, ATF–149, ATF–158, ATF–159, and ATF–160.

(c) CONDITION RELATING TO ENVIRONMENTAL COMPLIANCE.—The Secretary shall require as a condition of the transfer of a vessel under subsection (a) that use of the vessel by the Commission not commence until the terms of any necessary environmental compliance letter or agreement with respect to that vessel have been complied with.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions (including a requirement that the transfer be at no cost to the Government) in connection with the transfers required by subsection (a) as the Secretary considers appropriate.

SEC. 1023. REPEAL OF REQUIREMENT FOR CONTINUOUS APPLICABILITY OF CONTRACTS FOR PHASED MAINTENANCE OF AE CLASS SHIPS.

Section 1016 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 425) is repealed.

SEC. 1024. CONTRACT OPTIONS FOR LMSR VESSELS.

(a) FINDINGS.—Congress reaffirms the findings set forth in section 1013(a) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 422), and makes the following modifications and supplemental findings:

(1) Since the findings set forth in section 1013(a) of such Act were originally formulated, the Secretary of the Navy has exercised options for the acquisition of two of the six additional large, medium-speed, roll-on/roll-off (LMSR) vessels that may be acquired by exercise of options provided for under contracts covering the acquisition of a total of 17 LMSR vessels.

(2) Therefore, under those contracts, the Secretary has placed orders for the acquisition of 13 LMSR vessels and has remaining options for the acquisition of four more LMSR vessels, all of which would be new construction vessels.

(3) The remaining options allow the Secretary to place orders for one vessel to be constructed at each of two shipyards for award before December 31, 1996, and December 31, 1997, respectively.

(b) SENSE OF CONGRESS.—Congress also reaffirms its declaration of the sense of Congress, as set forth in section 1013(b) of Public Law 104–106, that the Secretary of the Navy should plan for, and budget to provide for, the acquisition as soon as possible of a total of 19 large, medium-speed, roll-on/roll-off (LMSR) vessels (the number determined to be required in the report entitled ''Mobility Requirements Study Bottom-Up Review Update'', submitted by the Secretary of Defense to Congress in April 1995), rather than only 17 such vessels (which is the number of vessels under contract as of April 1996).

(c) ADDITIONAL NEW CONSTRUCTION CONTRACT OPTION.—The Secretary of the Navy should negotiate with each of the two shipyards holding new construction contracts referred to in subsection (a)(1) (Department of the Navy contracts numbered N00024–93–C–2203 and N00024–93–C–2205) for an option under each such contract for construction of one additional such LMSR vessel, with such option to be available to the Secretary for exercise not earlier than fiscal year 1998, subject to the availability of funds authorized and appropriated for such purpose. Nothing in this subsection shall be construed to preclude the Secretary of the Navy from competing the award of the two options between the two shipyards holding new construction contracts referred to in subsection (a)(1).

(d) REPORT.—The Secretary of the Navy shall submit to the congressional defense committees, by March 31, 1997, a report stating the intentions of the Secretary regarding the acquisition of options for the construction of two additional LMSR vessels as described in subsection (c).

(e) REPEAL OF SUPERSEDED PROVISION.—Section 1013 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat 422) is amended by striking out subsection (c).

SEC. 1025. SENSE OF THE SENATE CONCERNING USS LCS 102 (LSSL 102).

It is the sense of the Senate that the Secretary of Defense should use existing authorities in law to seek the expeditious return, upon completion of service, of the former USS LCS 102 (LSSL 102) from the Government of Thailand in order for the ship to be transferred to the United States Shipbuilding Museum in Quincy, Massachusetts.

Subtitle C—Counter-Drug Activities

SEC. 1031. AUTHORITY TO PROVIDE ADDITIONAL SUPPORT FOR COUNTER-DRUG ACTIVITIES OF MEXICO.

(a) AUTHORITY TO PROVIDE ADDITIONAL SUPPORT.—Subject to subsections (e) and (f), the Secretary of Defense may, during fiscal year 1997, provide the Government of Mexico the support described in subsection (b) for the counter-drug activities of the Government of Mexico. Such support shall be in addition to support provided the Government of Mexico under any other provision of law.

(b) TYPES OF SUPPORT.—The Secretary may provide the following support under subsection (a):

(1) The transfer of spare parts and non-lethal equipment and materiel, including radios, night vision goggles, global positioning systems, uniforms, command, control, communications, and intelligence (C^3I) integration equipment, detection equipment, and monitoring equipment.

(2) The maintenance and repair of equipment of the Government of Mexico that is used for counter-narcotics activities.

(c) APPLICABILITY OF OTHER SUPPORT AUTHORITIES.—Except as otherwise provided in this section, the provisions of section 1004 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 374 note) shall apply to the provision of support under this section.

(d) FUNDING.—Of the amounts authorized to be appropriated for fiscal year 1997 for the Department of Defense for drug interdiction and counter-drug activities, not more than $10,000,000 shall be available in that fiscal year for the provision of support under this section.

(e) LIMITATIONS.—(1) The Secretary may not obligate or expend funds to provide support under this section until 15 days after the date on which the Secretary submits to the committees referred to in paragraph (3) the certification described in paragraph (2).

(2) The certification referred to in paragraph (1) is a written certification of the following:

(A) That the provision of support under this section will not adversely affect the military preparedness of the United States Armed Forces.

(B) That the equipment and materiel provided as support will be used only by officials and employees of the Government of Mexico who have undergone a background check by that government.

(C) That the Government of Mexico has certified to the Secretary that—

(i) the equipment and material provided as support will be used only by the officials and employees referred to in subparagraph (B);

(ii) none of the equipment or materiel will be transferred (by sale, gift, or otherwise) to any person or entity not authorized by the United States to receive the equipment or materiel; and

(iii) the equipment and materiel will be used only for the purposes intended by the United States Government.

(D) That the Government of Mexico has implemented, to the satisfaction of the Secretary, a system that will provide an accounting and inventory of the equipment and materiel provided as support.

(E) That the departments, agencies, and instrumentalities of the Government of Mexico will grant United States Government personnel unrestricted access to any of the equipment or materiel provided as support, or to any of the records relating to such equipment or materiel, under terms and conditions similar to the terms and conditions imposed with respect to such access under section 505(a)(3) of the Foreign Assistance Act of 1961 (22 U.S.C. 2314(a)(3)).

(F) That the Government of Mexico will provide security with respect to the equipment and materiel provided as support that is equivalent to the security that the United States Government would provide with respect to such equipment and materiel.

(G) That the Government of Mexico will permit continuous observation and review by United States Government personnel of the use of the equipment and materiel provided as support under terms and conditions similar to the terms and conditions imposed with respect to such observation and review under section 505(a)(3) of the Foreign Assistance Act of 1961 (22 U.S.C. 2314(a)(3)).

(3) The committees referred to in this paragraph are the following:

(A) The Committees on Armed Services and Foreign Relations of the Senate.

(B) The Committees on National Security and International Relations of the House of Representatives.

(f) PROHIBITION ON PROVISION OF CERTAIN MILITARY EQUIPMENT.—The Secretary may not provide as support under this section—

(1) any article of military equipment for which special export controls are warranted because of the substantial military utility or capability of such equipment;

(2) any military equipment identified on the United States Munitions List; or

(3) any of the following military equipment (whether or not the equipment has been equipped, re-equipped, or modified for military operations):

(A) Cargo aircraft bearing ''C'' designations, including aircraft with designations C–45 through C–125, C–131 aircraft, and aircraft bearing ''C'' designations that use reciprocating engines.

(B) Trainer aircraft bearing ''T'' designations, including aircraft bearing such designations that use reciprocating engines or turboprop engines delivering less than 600 horsepower.

(C) Utility aircraft bearing ''U'' designations, including UH–1 aircraft and UH/EH–60 aircraft and aircraft bearing such designations that use reciprocating engines.

(D) Liaison aircraft bearing ''L'' designations.

(E) Observation aircraft bearing ''O'' designations, including OH–58 aircraft and aircraft bearing such designations that use reciprocating engines.

(F) Truck, tractors, trailers, and vans, including all vehicles bearing ''M'' designations.

SEC. 1032. LIMITATION ON DEFENSE FUNDING OF THE NATIONAL DRUG INTELLIGENCE CENTER.

(a) LIMITATION ON USE OF FUNDS.—Except as provided in subsection (b), funds appropriated or otherwise made available for the Department of Defense pursuant to this or any other Act may not be obligated or expended for the National Drug Intelligence Center, Johnstown, Pennsylvania.

(b) EXCEPTION.—If the Attorney General operates the National Drug Intelligence Center using funds available for the Department of Justice, the Secretary of Defense may continue to provide Department of Defense intelligence personnel to support intelligence activities at the Center. The number of such personnel providing support to the Center after the date of the enactment of this Act may not exceed the number of the Department of Defense intelligence personnel who are supporting intelligence activities at the Center on the day before such date.

SEC. 1033. INVESTIGATION OF THE NATIONAL DRUG INTELLIGENCE CENTER.

(a) INVESTIGATION REQUIRED.—The Inspector General of the Department of Defense, the Inspector General of the Department of Justice, the Inspector General of the Central Intelligence Agency, and the Comptroller General of the United States shall—

(1) jointly investigate the operations of the National Drug Intelligence Center, Johnstown, Pennsylvania; and

(2) not later than March 31, 1997, jointly submit to the President pro tempore of the

Senate and the Speaker of the House of Representatives a report on the results of the investigation.

(b) CONTENT OF REPORT.—The joint report shall contain a determination regarding whether there is a significant likelihood that the funding of the operation of the National Drug Intelligence Center, a domestic law enforcement program, through an appropriation under the control of the Director of Central Intelligence will result in a violation of the National Security Act of 1947 or Executive Order 12333.

Subtitle D—Matters Relating to Foreign Countries

SEC. 1041. AGREEMENTS FOR EXCHANGE OF DEFENSE PERSONNEL BETWEEN THE UNITED STATES AND FOREIGN COUNTRIES.

(a) EXCHANGE AUTHORITY.—Subchapter II of chapter 138 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2350l. Exchange of defense personnel between the United States and foreign countries

''(a) INTERNATIONAL EXCHANGE AGREEMENTS AUTHORIZED.—The Secretary of Defense is authorized to enter into agreements with the governments of allies of the United States and other friendly foreign countries for the exchange of military and civilian personnel of the Department of Defense and military and civilian personnel of the defense ministries of such foreign governments.

''(b) ASSIGNMENT OF PERSONNEL.—(1) Pursuant to an agreement entered into under subsection (a), personnel of the defense ministry of a foreign government may be assigned to positions in the Department of Defense, and personnel of the Department of Defense may be assigned to positions in the defense ministry of that foreign government. Positions to which exchanged personnel are assigned may include positions of instructors.

''(2) An agreement for the exchange of personnel engaged in research and development activities may provide for assignment of Department of Defense personnel to positions in private industry that support the defense ministry of the host foreign government.

''(3) A specific position and the individual to be assigned to that position shall be acceptable to both governments.

''(c) RECIPROCITY OF PERSONNEL QUALIFICATIONS REQUIRED.—Each government shall be required under an agreement authorized by subsection (a) to provide personnel having qualifications, training, and skills that are essentially equal to those of the personnel provided by the other government.

''(d) PAYMENT OF PERSONNEL COSTS.—(1) Each government shall pay the salary, per diem, cost of living, travel, cost of language or other training, and other costs for its own personnel in accordance with the laws and regulations of such government that pertain to such matters.

''(2) The requirement in paragraph (1) does not apply to the following costs:

''(A) Cost of temporary duty directed by the host government.

''(B) Costs of training programs conducted to familiarize, orient, or certify exchanged personnel regarding unique aspects of the exchanged personnel's assignments.

''(C) Costs incident to the use of host government facilities in the performance of assigned duties.

''(e) PROHIBITED CONDITIONS.—No personnel exchanged pursuant to an agreement under this section may take or be required to take an oath of allegiance to the host country or to hold an official capacity in the government of such country.

''(f) RELATIONSHIP TO OTHER AUTHORITY.—Nothing in this section limits any authority of the secretaries of the military departments to enter into an agreement with the government of a foreign country to provide for exchange of members of the armed forces and military personnel of the foreign country except that subsections (c) and (d) shall apply in the exercise of that authority. The Secretary of Defense may prescribe regulations for the application of such subsections in the exercise of such authority.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter II of such chapter is amended by adding at the end the following new item:

''2350l. Exchange of defense personnel between the United States and foreign countries.''.

SEC. 1042. AUTHORITY FOR RECIPROCAL EXCHANGE OF PERSONNEL BETWEEN THE UNITED STATES AND FOREIGN COUNTRIES FOR FLIGHT TRAINING.

Section 544 of the Foreign Assistance Act of 1961 (22 U.S.C. 2347c) is amended—

(1) by inserting '', and for attendance of foreign military personnel at flight training schools or programs (including test pilot schools) in the United States,'' after ''(other than service academies)''; and

(2) by striking out ''and comparable institutions'' and inserting in lieu thereof '' or flight training schools or programs, as the case may be, and comparable institutions, schools, or programs''.

SEC. 1043. EXTENSION OF COUNTERPROLIFERATION AUTHORITIES.

Section 1505 of the Weapons of Mass Destruction Control Act of 1992 (title XV of Public Law 104–484; 22 U.S.C. 5859a) is amended—

(1) in subsection (d)(3)—

(A) by striking out ''fiscal year 1995, or'' and inserting in lieu thereof ''fiscal year 1995,''; and

(B) by inserting before the period at the end the following: '', $15,000,000 for fiscal year 1997, or $15,000,000 for fiscal year 1998''; and

(2) in subsection (f), by striking out ''fiscal year 1996'' and inserting in lieu thereof ''fiscal year 1998''.

SEC. 1044. PROHIBITION ON COLLECTION AND RELEASE OF DETAILED SATELLITE IMAGERY RELATING TO ISRAEL AND OTHER COUNTRIES AND AREAS.

(a) COLLECTION AND DISSEMINATION.—No department or agency of the Federal Government may license the collection or dissemination by any non-Federal entity of satellite imagery with respect to Israel, or to any other country or geographic area designated by the President for this purpose, unless such imagery is no more detailed or precise than satellite imagery of the country or geographic area concerned that is routinely available from commercial sources.

(b) DECLASSIFICATION AND RELEASE.—No department or agency of the Federal Government may declassify or otherwise release satellite imagery with respect to Israel, or to any other country or geographic area designated by the President for this purpose, unless such imagery is no more detailed or precise than satellite imagery of the country or geographic area concerned that is routinely available from commercial sources.

SEC. 1045. DEFENSE BURDENSHARING.

(a) FINDINGS.—Congress makes the following findings:

(1) The United States continues to spend billions of dollars to promote regional security and to make preparations for regional contingencies.

(2) United States defense expenditures promote United States national security interests; however, they also significantly contribute to the defense of our allies.

(3) In 1993, the gross domestic product of the United States equaled $6,300,000,000,000, while the gross domestic product of other NATO member countries totaled $7,200,000,000,000.

(4) Over the course of 1993, the United States spent 4.7 percent of its gross domestic product on defense, while other NATO members collectively spent 2.5 percent of their gross domestic product on defense.

(5) In addition to military spending, foreign assistance plays a vital role in the establishment and maintenance of stability in other nations and in implementing the United States national security strategy.

(6) This assistance has often prevented the outbreak of conflicts which otherwise would have required costly military interventions by the United States and our allies.

(7) From 1990–1993, the United States spent $59,000,000,000 in foreign assistance, a sum which represents an amount greater than any other nation in the world.

(8) In 1995, the United States spent over $10,000,000,000 to promote European security, while European NATO nations only contributed $2,000,000,000 toward this effort.

(9) With a smaller gross domestic product and a larger defense budget than its European NATO allies, the United States shoulders an unfair share of the burden of the common defense.

(10) Japan now pays over 75 percent of the nonpersonnel costs incurred by United States military forces permanently assigned there, while our European allies pay for less than 25 percent of these same costs. Japan signed a new Special Measures Agreement this year which will increase Japan's contribution toward the cost of stationing United States troops in Japan by approximately $30,000,000 a year over the next five years.

(11) These increased contributions help to rectify the imbalance in the burden shouldered by the United States for the common defense.

(12) The relative share of the burden of the common defense still falls too heavily on the United States, and our allies should dedicate more of their own resources to defending themselves.

(b) EFFORTS TO INCREASE ALLIED BURDENSHARING.—The President shall seek to have each nation that has cooperative military relations with the United States (including security agreements, basing arrangements, or mutual participation in multinational military organizations or operations) take one or more of the following actions:

(1) Increase its financial contributions to the payment of the nonpersonnel costs incurred by the United States Government for stationing United States military personnel in that nation, with a goal of achieving the following percentages of such costs:

(A) By September 30, 1997, 37.5 percent.

(B) By September 30, 1998, 50 percent.

(C) By September 30, 1999, 62.5 percent.

(D) By September 30, 2000, 75 percent.

An increase in financial contributions by any nation under this paragraph may include the elimination of taxes, fees, or other charges levied on United States military personnel, equipment, or facilities stationed in that nation.

(2) Increase its annual budgetary outlays for national defense as a percentage of its gross domestic product by 10 percent or at least to a level commensurate to that of the United States by September 30, 1997.

(3) Increase its annual budgetary outlays for foreign assistance (to promote democratization, economic stabilization, transparency arrangements, defense economic

conversion, respect for the rule of law, and internationally recognized human rights) by 10 percent or at least to a level commensurate to that of the United States by September 30, 1997.

(4) Increase the amount of military assets (including personnel, equipment, logistics, support and other resources) that it contributes, or would be prepared to contribute, to multinational military activities worldwide.

(c) AUTHORITIES TO ENCOURAGE ACTIONS BY UNITED STATES ALLIES.—In seeking the actions described in subsection (b) with respect to any nation, or in response to a failure by any nation to undertake one or more of such actions, the President may take any of the following measures:

(1) Reduce the end strength level of members of the Armed Forces assigned to permanent duty ashore in that nation.

(2) Impose on that nation taxes, fees, or other charges similar to those that such nation imposes on United States forces stationed in that nation.

(3) Reduce (through rescission, impoundment, or other appropriate procedures as authorized by law) the amount the United States contributes to the NATO Civil Budget, Military Budget, or Security Investment Program.

(4) Suspend, modify, or terminate any bilateral security agreement the United States has with that nation.

(5) Reduce (through rescission, impoundment or other appropriate procedures as authorized by law) any United States bilateral assistance appropriated for that nation.

(6) Take any other action the President determines to be appropriate as authorized by law.

(d) REPORT ON PROGRESS IN INCREASING ALLIED BURDENSHARING.—Not later than March 1, 1997, the Secretary of Defense shall submit to Congress a report on—

(1) steps taken by other nations to complete the actions described in subsection (b);

(2) all measures taken by the President, including those authorized in subsection (c), to achieve the actions described in subsection (b); and

(3) the budgetary savings to the United States that are expected to accrue as a result of the steps described under paragraph (1).

(e) REPORT ON NATIONAL SECURITY BASES FOR FORWARD DEPLOYMENT AND BURDENSHARING RELATIONSHIPS.—(1) In order to ensure the best allocation of budgetary resources, the President shall undertake a review of the status of elements of the United States Armed Forces that are permanently stationed outside the United States. The review shall include an assessment of the following:

(A) The alliance requirements that are to be found in agreements between the United States and other countries.

(B) The national security interests that support permanently stationing elements of the United States Armed Forces outside the United States.

(C) The stationing costs associated with the forward deployment of elements of the United States Armed Forces.

(D) The alternatives available to forward deployment (such as material prepositioning, enhanced airlift and sealift, or joint training operations) to meet such alliance requirements or national security interests, with such alternatives identified and described in detail.

(E) The costs and force structure configurations associated with such alternatives to forward deployment.

(F) The financial contributions that allies of the United States make to common defense efforts (to promote democratization, economic stabilization, transparency arrangements, defense economic conversion, respect for the rule of law, and internationally recognized human rights).

(G) The contributions that allies of the United States make to meeting the stationing costs associated with the forward deployment of elements of the United States Armed Forces.

(H) The annual expenditures of the United States and its allies on national defense, and the relative percentages of each nation's gross domestic product constituted by those expenditures.

(2) The President shall submit to Congress a report on the review under paragraph (1). The report shall be submitted not later than March 1, 1997, in classified and unclassified form.

SEC. 1046. SENSE OF THE SENATE CONCERNING EXPORT CONTROLS.

(a) FINDINGS.—The Senate makes the following findings:

(1) Export controls are a part of a comprehensive response to national security threats. United States exports should be restricted where those threats exist to national security, nonproliferation, and foreign policy interests of the United States.

(2) The export of certain commodities and technology may adversely affect the national security and foreign policy of the United States by making a significant contribution to the military potential of individual countries or by disseminating the capability to design, develop, test, produce, stockpile, or use weapons of mass destruction, missile delivery systems, and other significant military capabilities. Therefore, the administration of export controls should emphasize the control of these exports.

(3) The acquisition of sensitive commodities and technologies by those countries and end users whose actions or policies run counter to United States national security or foreign policy interests may enhance the military capabilities of those countries, particularly their ability to design, develop, test, produce, stockpile, use, and deliver nuclear, chemical, and biological weapons, missile delivery systems, and other significant military capabilities. This enhancement threatens the security of the United States and its allies. The availability to countries and end users of items that contribute to military capabilities or the proliferation of weapons of mass destruction is a fundamental concern of the United States and should be eliminated through deterrence, negotiations, and other appropriate means whenever possible.

(4) The national security of the United States depends not only on wise foreign policies and a strong defense, but also a vibrant national economy. To be truly effective, export controls should be applied uniformly by all suppliers.

(5) On November 5, 1995, President William J. Clinton extended Executive Order No. 12938 regarding ''Weapons of Mass Destruction'', and ''declared a national emergency with respect to the unusual and extraordinary threat to the national security, foreign policy, and economy of the United States posed by the proliferation of nuclear, biological, and chemical weapons and the means of delivering such weapons''.

(6) A successor regime to COCOM (the Coordinating Commission on Multilateral Controls) has not been established. Currently, each nation is determining independently which dual-use military items, if any, will be controlled for export.

(7) The United States should play a leading role in promoting transparency and responsibility with regard to the transfers of sensitive dual-use goods and technologies.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) establishing an international export control regime, empowered to control exports of dual-use technology, is critically important and should become a top priority for the United States; and

(2) the United States should strongly encourage its allies and friends to—

(A) adopt a commodity control list which governs the same or similar items as are controlled by the United States Commodity Control list;

(B) strengthen enforcement activities; and

(C) explore the use of unilateral export controls where the possibility exists that an export could contribute to proliferation.

SEC. 1047. REPORT ON NATO ENLARGEMENT.

(a) REPORT.—Not later than December 1, 1996, the President shall transmit a report on NATO enlargement to the Committee on Armed Services and the Committee on Foreign Relations of the Senate and the Committee on National Security and the Committee on International Relations of the House of Representatives. The report shall contain a comprehensive discussion of the following:

(1) Geopolitical and financial costs and benefits, including financial savings, associated with—

(A) enlargement of NATO;

(B) further delays in the process of NATO enlargement; and

(C) a failure to enlarge NATO.

(2) Additional NATO and United States military expenditures requested by prospective NATO members to facilitate their admission into NATO.

(3) Modifications necessary in NATO's military strategy and force structure required by the inclusion of new members and steps necessary to integrate new members, including the role of nuclear and conventional capabilities, reinforcement, force deployments, prepositioning of equipment, mobility, and headquarter locations.

(4) The relationship between NATO enlargement and transatlantic stability and security.

(5) The state of military preparedness and interoperability of Central and Eastern European nations as it relates to the responsibilities of NATO membership and additional security costs or benefits that may accrue to the United States from NATO enlargement.

(6) The state of democracy and free market development as it affects the preparedness of Central and Eastern European nations for the responsibilities of NATO membership, including civilian control of the military, the rule of law, human rights, and parliamentary oversight.

(7) The state of relations between prospective NATO members and their neighbors, steps taken by prospective members to reduce tensions, and mechanisms for the peaceful resolution of border disputes.

(8) The commitment of prospective NATO members to the principles of the North Atlantic Treaty and the security of the North Atlantic area.

(9) The effect of NATO enlargement on the political, economic, and security conditions of European Partnership for Peace nations not among the first new NATO members.

(10) The relationship between NATO enlargement and EU enlargement and the costs and benefits of both.

(11) The relationship between NATO enlargement and treaties relevant to United States and European security, such as the Conventional Armed Forces in Europe Treaty.

(12) The anticipated impact both of NATO enlargement and further delays of NATO enlargement on Russian foreign and defense policies and the costs and benefits of a security relationship between NATO and Russia.

(b) INDEPENDENT ASSESSMENT.—Not later than 15 days after enactment of this Act, the Majority Leader of the Senate and the Speaker of the House of Representatives shall appoint a chairman and two other Members and the Minority Leaders of the Senate and House of Representatives shall appoint two Members to serve on a bipartisan review group of nongovernmental experts to conduct an independent assessment of NATO enlargement, including a comprehensive review of the issues in subsection (a) (1) through (12) above. The report of the review group shall be completed no later than December 1, 1996. The Secretary of Defense shall furnish the review group administrative and support services requested by the review group. The expenses of the review group shall be paid out of funds available for the payment of similar expenses incurred by the Department of Defense.

(c) INTERPRETATION.—Nothing in this section should be interpreted or construed to affect the implementation of the NATO Participation Act of 1994, as amended (Public Law 103–447), or any other program or activity which facilitates or assists prospective NATO members.

Subtitle E—Miscellaneous Reporting Requirements

SEC. 1051. ANNUAL REPORT ON EMERGING OPERATIONAL CONCEPTS.

(a) REPORT REQUIRED.—Not later than March 1 of each year, the Chairman of the Joint Chiefs of Staff shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on emerging operational concepts. The report shall contain a description, for the year preceding the year in which submitted, of the following:

(1) The process undertaken in each of the Army, Navy, Air Force, and Marine Corps to define and develop doctrine, operational concepts, organizational concepts, and acquisition strategies based on—

(A) the potential of emerging technologies for significantly improving the operational effectiveness of that armed force;

(B) changes in the international order that may necessitate changes in the operational capabilities of that armed force;

(C) emerging capabilities of potential adversary states; and

(D) changes in defense budget projections that put existing acquisition programs of the service at risk.

(2) The manner in which the process undertaken in each of the Army, Navy, Air Force, and Marine Corps is harmonized with a joint vision and with the similar processes of the other armed forces to ensure that there is a sufficient consideration of the development of joint doctrine, operational concepts, and acquisition strategies.

(3) The manner in which the process undertaken by each of the Army, Navy, Air Force, and Marine Corps is coordinated through the Joint Requirements Oversight Council or another entity to ensure that the results of the process are considered in the planning, programming, and budgeting process of the Department of Defense.

(4) Proposals under consideration by the Joint Requirements Oversight Council or other entity within the Department of Defense to modify the roles and missions of any of the Army, Navy, Air Force, and Marine Corps as a result of the processes described in paragraph (1).

(b) FIRST REPORT.—The first report under this section shall be submitted not later than March 1, 1997.

(c) TERMINATION OF REQUIREMENT AFTER FOURTH REPORT.—Notwithstanding subsection (a), no report is required under this section after 2000.

SEC. 1052. ANNUAL JOINT WARFIGHTING SCIENCE AND TECHNOLOGY PLAN.

(a) ANNUAL PLAN REQUIRED.—On March 1 of each year, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a plan for ensuring that the science and technology program of the Department of Defense supports the development of the future joint warfighting capabilities identified as priority requirements for the Armed Forces.

(b) FIRST PLAN.—The first plan shall be submitted not later than March 1, 1997.

SEC. 1053. REPORT ON MILITARY READINESS REQUIREMENTS OF THE ARMED FORCES.

(a) REQUIREMENT.—Not later than January 31, 1997, the Chairman of the Joint Chiefs of Staff shall submit to the congressional defense committees a report on the military readiness requirements of the active and reserve components of the Armed Forces (including combat units, combat support units, and combat service support units) prepared by the officers referred to in subsection (b). The report shall assess such requirements under a tiered readiness and response system that categorizes a given unit according to the likelihood that it will be required to respond to a military conflict and the time in which it will be required to respond.

(b) OFFICERS.—The report required by subsection (a) shall be prepared jointly by the Chief of Staff of the Army, the Chief of Naval Operations, the Chief of Staff of the Air Force, the Commandant of the Marine Corps, and the Commander of the Special Operations Command.

(c) ASSESSMENT SCENARIO.—The report shall assess readiness requirements in a scenario based on the following assumptions:

(1) The conflict is in a generic theater of operations located anywhere in the world and does not exceed the notional limits for a major regional contingency.

(2) The forces available for deployment include the forces described in the Bottom Up Review force structure, including all planned force enhancements.

(3) Assistance is not available from allies.

(d) ASSESSMENT ELEMENTS.—The report shall identify by unit type, and assess the readiness requirements of, all active and reserve component units. Each such unit shall be categorized within one of the following classifications:

(1) Forward-deployed and crisis response forces, or ''Tier I'' forces, that possess limited internal sustainment capability and do not require immediate access to regional air bases or ports or overflight rights, including the following:

(A) Force units that are routinely deployed forward at sea or on land outside the United States.

(B) Combat-ready crises response forces that are capable of mobilizing and deploying within 10 days after receipt of orders.

(C) Forces that are supported by prepositioning equipment afloat or are capable of being inserted into a theater upon the capture of a port or airfield by forcible entry forces.

(2) Combat-ready follow-on forces, or ''Tier II'' forces, that can be mobilized and deployed to a theater within approximately 60 days after receipt of orders.

(3) Combat-ready conflict resolution forces, or ''Tier III'' forces, that can be mobilized and deployed to a theater within approximately 180 days after receipt of orders.

(4) All other active and reserve component force units which are not categorized within a classification described in paragraph (1), (2), or (3).

(e) FORM OF REPORT.—The report under this section shall be submitted in unclassified form but may contain a classified annex.

SEC. 1054. ANNUAL REPORT OF RESERVE FORCES POLICY BOARD.

Section 113(c) of title 10, United States Code, is amended—

(1) by striking out paragraph (3);

(2) by redesignating paragraphs (1), (2), and (4) as subparagraphs (A), (B), and (C), respectively;

(3) by inserting ''(1)'' after ''(c)'';

(4) by inserting ''and'' at the end of subparagraph (B), as redesignated by paragraph (2); and

(5) by adding at the end the following:

''(2) At the same time that the Secretary submits the annual report under paragraph (1), the Secretary shall transmit to the President and Congress a separate report from the Reserve Forces Policy Board on the reserve programs of the Department of Defense and on any other matters that the Reserve Forces Policy Board considers appropriate to include in the report.''.

SEC. 1055. INFORMATION ON PROPOSED FUNDING FOR THE GUARD AND RESERVE COMPONENTS IN FUTURE-YEARS DEFENSE PROGRAMS.

(a) REQUIREMENT.—The Secretary of Defense shall specify in each future-years defense program submitted to Congress after the date of the enactment of this Act the estimated expenditures and proposed appropriations for the procurement of equipment and for military construction for each of the Guard and Reserve components.

(b) DEFINITION.—For purposes of this section, the term ''Guard and Reserve components'' means the following:

(1) The Army Reserve.

(2) The Army National Guard of the United States.

(3) The Naval Reserve.

(4) The Marine Corps Reserve.

(5) The Air Force Reserve.

(6) The Air National Guard of the United States.

SEC. 1056. REPORT ON FACILITIES USED FOR TESTING LAUNCH VEHICLE ENGINES.

(a) REPORT REQUIRED.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Administrator of the National Aeronautics and Space Administration, shall submit to Congress a report on the facilities used for testing launch vehicle engines.

(b) CONTENT OF REPORT.—The report shall contain an analysis of the duplication between Air Force and National Aeronautics and Space Administration hydrogen rocket test facilities and the potential benefits of further coordinating activities at such facilities.

Subtitle F—Other Matters

SEC. 1061. UNIFORM CODE OF MILITARY JUSTICE AMENDMENTS.

(a) TECHNICAL AMENDMENT REGARDING FORFEITURES DURING CONFINEMENT ADJUDGED BY A COURT-MARTIAL.—(1) Section 858b(a)(1) of title 10, United States Code (article 58b(a)(1) of the Uniform Code of Military Justice), is amended—

(A) in the first sentence, by inserting ''(if adjudged by a general court-martial)'' after ''all pay and''; and

(B) in the third sentence, by striking out ''two-thirds of all pay and allowances'' and inserting in lieu thereof ''two-thirds of all pay''.

(2) The amendments made by paragraph (1) shall take effect as of April 1, 1996, and shall apply to any case in which a sentence is adjudged by a court-martial on or after that date.

(b) EXCEPTED SERVICE APPOINTMENTS TO CERTAIN NONATTORNEY POSITIONS OF THE

UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES..—(1) Subsection (c) of section 943 of title 10, United States Code (article 143(c) of the Uniform Code of Military Justice) is amended in paragraph (1), by inserting after the first sentence the following: ''A position of employment under the Court that is provided primarily for the service of one judge of the court, reports directly to the judge, and is a position of a confidential character is excepted from the competitive service.''.

(2) The caption for such subsection is amended by striking out ''ATTORNEY'' in the subsection caption and inserting in lieu thereof ''CERTAIN''.

(c) REPEAL OF 13-YEAR SPECIAL LIMIT ON TERM OF TRANSITIONAL JUDGE OF UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES.—(1) Subsection (d)(2) of section 1301 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 103 Stat. 1575; 10 U.S.C. 942 note) is amended by striking out ''to the judges who are first appointed to the two new positions of the court created as of October 1, 1990—'' and all that follows and inserting in lieu thereof ''to the judge who is first appointed to one of the two new positions of the court created as of October 1, 1990, as designated by the President at the time of appointment, the anniversary referred to in subparagraph (A) of that paragraph shall be treated as being the seventh anniversary and the number of years referred to in subparagraph (B) of that paragraph shall be treated as being seven.''.

(2) Subsection (e)(1) of such section is amended by striking out ''each judge'' and inserting in lieu thereof ''a judge''.

SEC. 1062. LIMITATION ON RETIREMENT OR DISMANTLEMENT OF STRATEGIC NUCLEAR DELIVERY SYSTEMS.

(a) FUNDING LIMITATION.—Funds available to the Department of Defense may not be obligated or expended during fiscal year 1997 for retiring or dismantling, or for preparing to retire or dismantle, any of the following strategic nuclear delivery systems:

(1) B-52H bomber aircraft.

(2) Trident ballistic missile submarines.

(3) Minuteman III intercontinental ballistic missiles.

(4) Peacekeeper intercontinental ballistic missiles.

(b) WAIVER AUTHORITY.—If the START II Treaty enters into force during fiscal year 1997, the Secretary of Defense may waive the application of the limitation under paragraphs (2), (3), and (4) of subsection (a) to Trident ballistic missile submarines, Minuteman III intercontinental ballistic missiles, and Peacekeeper intercontinental ballistic missiles, respectively, to the extent that the Secretary determines necessary in order to implement the treaty.

(c) START II TREATY DEFINED.—In this section, the term ''START II Treaty'' means the Treaty Between the United States of America and the Russian Federation on Further Reduction and Limitation of Strategic Offensive Arms, signed at Moscow on January 3, 1993, including the following protocols and memorandum of understanding, all such documents being integral parts of and collectively referred to as the ''START II Treaty'' (contained in Treaty Document 103–1):

(1) The Protocol on Procedures Governing Elimination of Heavy ICBMs and on Procedures Governing Conversion of Silo Launchers of Heavy ICBMs Relating to the Treaty Between the United States of America and the Russian Federation on Further Reduction and Limitation of Strategic Offensive Arms (also known as the ''Elimination and Conversion Protocol'').

(2) The Protocol on Exhibitions and Inspections of Heavy Bombers Relating to the Treaty Between the United States and the Russian Federation on Further Reduction and Limitation of Strategic Offensive Arms (also known as the ''Exhibitions and Inspections Protocol'').

(3) The Memorandum of Understanding on Warhead Attribution and Heavy Bomber Data Relating to the Treaty Between the United States of America and the Russian Federation on Further Reduction and Limitation of Strategic Offensive Arms (also known as the ''Memorandum on Attribution'').

(d) RETENTION OF B–52H AIRCRAFT ON ACTIVE STATUS.—(1) The Secretary of the Air Force shall maintain in active status (including the performance of standard maintenance and upgrades) the current fleet of B–52H bomber aircraft.

(2) For purposes of carrying out upgrades of B–52H bomber aircraft during fiscal year 1997, the Secretary shall treat the entire current fleet of such aircraft as aircraft expected to be maintained in active status during the five-year period beginning on October 1, 1996.

SEC. 1063. CORRECTION OF REFERENCES TO DEPARTMENT OF DEFENSE ORGANIZATIONS.

(a) NORTH AMERICAN AEROSPACE DEFENSE COMMAND.—Section 162 of title 10, United States Code, is amended in paragraphs (1), (2), and (3) of subsection (a) by striking out ''North American Air Defense Command'' and inserting in lieu thereof ''North American Aerospace Defense Command''.

(b) DEFENSE DISTRIBUTION CENTER, ANNISTON.—The Corporation for the Promotion of Rifle Practice and Firearms Safety Act (title XVI of Public Law 104–106; 110 Stat. 515; 36 U.S.C. 5501 et seq.) is amended by striking out ''Anniston Army Depot'' each place it appears in the following provisions and inserting in lieu thereof ''Defense Distribution Depot, Anniston'':

(1) Section 1615(a)(3) (36 U.S.C. 5505(a)(3)).

(2) Section 1616(b) (36 U.S.C. 5506(b)).

(3) Section 1619(a)(1) (36 U.S.C. 5509(a)(1)).

SEC. 1064. AUTHORITY OF CERTAIN MEMBERS OF THE ARMED FORCES TO PERFORM NOTARIAL OR CONSULAR ACTS.

Section 1044a(b) of title 10, United States Code, is amended—

(1) in paragraph (1), by striking out ''on active duty or performing inactive-duty for training'' and inserting in lieu thereof ''of the armed forces, including members of reserve components who are judge advocates (whether or not in a duty status)'';

(2) in paragraph (3), by striking out ''adjutants on active duty or performing inactive-duty training'' and inserting in lieu thereof ''adjutants, including members of reserve components acting as such an adjutant (whether or not in a duty status)''; and

(3) in paragraph (4), by striking out ''persons on active duty or performing inactive-duty training'' and inserting in lieu thereof ''members of the armed forces, including members of reserve components (whether or not in a duty status),''.

SEC. 1065. TRAINING OF MEMBERS OF THE UNIFORMED SERVICES AT NON-GOVERNMENT FACILITIES.

(a) USE OF NON-GOVERNMENT FACILITIES.—Section 4105 of title 5, United States Code, is amended—

(1) by inserting ''and members of a uniformed service under the jurisdiction of the head of the agency'' after ''employees of the agency''; and

(2) by adding at the end the following: ''For the purposes of this section, the term 'agency' includes a military department.''.

(b) EXPENSES OF TRAINING.—Section 4109 of such title is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking out ''under regulations prescribed under section 4118(a)(8) of this title and'';

(B) in paragraph (1), by inserting after ''an employee of the agency'' the following: '', or the pay of a member of a uniformed service within the agency, who is''; and

(C) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by inserting ''or member of a uniformed service'' after ''reimburse the employee'';

(ii) in subparagraph (A), by striking out ''commissioned officers of the National Oceanic and Atmospheric Administration'' and inserting in lieu thereof ''a member of a uniformed service''; and

(iii) in subparagraph (B), by striking out ''commissioned officers of the National Oceanic and Atmospheric Administration'' and inserting in lieu thereof ''a member of a uniformed service''; and

(2) by adding at the end the following:

''(d) In the exercise of authority under subsection (a) with respect to an employee of an agency, the head of the agency shall comply with regulations prescribed under section 4118(a)(8) of this title.

''(e) For the purposes of this section, the term 'agency' includes a military department.''.

SEC. 1066. THIRD-PARTY LIABILITY TO UNITED STATES FOR TORTIOUS INFLICTION OF INJURY OR DISEASE ON MEMBERS OF THE UNIFORMED SERVICES.

(a) RECOVERY OF PAY AND ALLOWANCES.—Section 1 of Public Law 87–693 (42 U.S.C. 2651) is amended—

(1) in the first sentence of subsection (a)—

(A) by inserting ''or pay for'' after ''required by law to furnish''; and

(B) by striking out ''or to be furnished'' each place that phrase appears and inserting in lieu thereof '', to be furnished, paid for, or to be paid for'';

(2) by redesignating subsections (b) and (c) as subsections (d) and (e), respectively;

(3) by inserting after subsection (a), the following new subsections:

''(b) If a member of the uniformed services is injured, or contracts a disease, under circumstances creating a tort liability upon a third person (other than or in addition to the United States and except employers of seamen referred to in subsection (a)) for damages for such injury or disease and the member is unable to perform the member's regular military duties as a result of the injury or disease, the United States shall have a right (independent of the rights of the member) to recover from the third person or an insurer of the third person, or both, the amount equal to the total amount of the pay that accrues and is to accrue to the member for the period for which the member is unable to perform such duties as a result of the injury or disease and is not assigned to perform other military duties.

''(c)(1) If, pursuant to the laws of a State that are applicable in a case of a member of the uniformed services who is injured or contracts a disease as a result of tortious conduct of a third person, there is in effect for such a case (as a substitute or alternative for compensation for damages through tort liability) a system of compensation or reimbursement for expenses of hospital, medical, surgical, or dental care and treatment or for lost pay pursuant to a policy of insurance, contract, medical or hospital service agreement, or similar arrangement, the United States shall be deemed to be a third-party beneficiary of such a policy, contract, agreement, or arrangement.

''(2) For the purposes of paragraph (1)—

''(A) the expenses incurred or to be incurred by the United States for care and treatment for an injured or diseased member as described in subsection (a) shall be

deemed to have been incurred by the member;

''(B) the cost to the United States of the pay of the member as described in subsection (b) shall be deemed to have been pay lost by the member as a result of the injury or disease; and

''(C) the United States shall be subrogated to any right or claim that the injured or diseased member or the member's guardian, personal representative, estate, dependents, or survivors have under a policy, contract, agreement, or arrangement referred to in paragraph (1) to the extent of the reasonable value of the care and treatment and the total amount of the pay deemed lost under subparagraph (B).'';

(4) in subsection (d), as redesignated by paragraph (2), by inserting ''or paid for'' after ''treatment is furnished''; and

(5) by adding at the end the following:

''(f)(1) Any amounts recovered under this section for medical care and related services furnished by a military medical treatment facility or similar military activity shall be credited to the appropriation or appropriations supporting the operation of that facility or activity, as determined under regulations prescribed by the Secretary of Defense.

''(2) Any amounts recovered under this section for the cost to the United States of pay of an injured or diseased member of the uniformed services shall be credited to the appropriation that supports the operation of the command, activity, or other unit to which the member was assigned at the time of the injury or illness, as determined under regulations prescribed by the Secretary concerned.

''(g) For the purposes of this section:

''(A) The term 'uniformed services' has the meaning given such term in section 1072(1) of title 10, United States Code.

''(B) The term 'tortious conduct' includes any tortious omission.

''(C) The term 'pay', with respect to a member of the uniformed services, means basic pay, special pay, and incentive pay that the member is authorized to receive under title 37, United States Code, or any other law providing pay for service in the uniformed services.

''(D) The term 'Secretary concerned' means—

''(i) the Secretary of Defense, with respect to the Army, the Navy, the Air Force, the Marine Corps, and the Coast Guard (when it is operating as a service in the Navy);

''(ii) the Secretary of Transportation, with respect to the Coast Guard when it is not operating as a service in the Navy;

''(iii) the Secretary of Health and Human Services, with respect to the Commissioned Corps of the Public Health Service; and

''(iv) the Secretary of Commerce, with respect to the Commissioned Corps of the National Oceanic and Atmospheric Administration.''.

(b) CONFORMING AMENDMENTS.—Section 1 of Public Law 87–693 (42 U.S.C. 2651) is amended—

(1) in the first sentence of subsection (a)—

(A) by inserting ''(independent of the rights of the injured or diseased person)'' after ''a right to recover''; and

(B) by inserting '', or that person's insurer,'' after ''from said third person'';

(2) in subsection (d), as redesignated by subsection (a)(2)—

(A) by striking out ''such right,'' and inserting in lieu thereof ''a right under subsections (a), (b), and (c)''; and

(B) by inserting '', or the insurance carrier or other entity responsible for the payment or reimbursement of medical expenses or lost pay,'' after ''the third person who is liable for the injury or disease'' each place that it appears.

(c) APPLICABILITY.—The authority to collect pursuant to the amendments made by this section shall apply to expenses described in the first section of Public Law 87–693 (as amended by this section) that are incurred, or are to be incurred, by the United States on or after the date of the enactment of this Act, whether the event from which the claim arises occurred before, on, or after that date.

SEC. 1067. DISPLAY OF STATE FLAGS AT INSTALLATIONS AND FACILITIES OF THE DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—Except as provided in subsection (b) and notwithstanding any other provision of law, no funds appropriated or otherwise made available to the Department of Defense may be used to adopt or enforce any rule or other prohibition that discriminates against the display of the official flag of a particular State, territory, or possession of the United States at an official ceremony at any installation or other facility of the Department of Defense at which the official flags of the other States, territories, or possessions of the United States are being displayed.

(b) POSITION AND MANNER OF DISPLAY.—The display of an official flag referred to in subsection (a) at an installation or other facility of the Department shall be governed by the provisions of section 3 of the Joint Resolution of June 22, 1942 (56 Stat. 378, chapter 435; 36 U.S.C. 175), and any modification of such provisions under section 8 of that Joint Resolution (36 U.S.C. 178).

SEC. 1068. GEORGE C. MARSHALL EUROPEAN CENTER FOR STRATEGIC SECURITY STUDIES.

(a) AUTHORITY TO ACCEPT FUNDS, MATERIALS, AND SERVICES.—(1) The Secretary of Defense may, on behalf of the George C. Marshall European Center for Strategic Security Studies, accept gifts or donations of funds, materials (including research materials), property, and services (including lecture services and faculty services) from foreign governments, foundations and other charitable organizations in foreign countries, and individuals in foreign countries in order to defray the costs of the operation of the Center.

(2) Funds received by the Secretary under paragraph (1) shall be credited to appropriations available for the Department of Defense for the George C. Marshall European Center for Strategic Security Studies. Funds so credited shall be merged with the appropriations to which credited and shall be available for the Center for the same purposes and same period as the appropriations with which merged.

(b) PARTICIPATION OF FOREIGN NATIONS OTHERWISE PROHIBITED.—(1) The Secretary may permit representatives of a foreign government to participate in a program of the George C. Marshall European Center for Strategic Security Studies, notwithstanding any other provision of law that would otherwise prevent representatives of that foreign government from participating in the program. Before doing so, the Secretary shall determine, in consultation with the Secretary of State, that the participation of representatives of that foreign government in the program is in the national interest of the United States.

(2) Not later than January 31 of each year, the Secretary of Defense shall, with the assistance of the Director of the Center, submit to Congress a report setting forth the foreign governments permitted to participate in programs of the Center during the preceding year under the authority provided in paragraph (1).

(c) WAIVER OF CERTAIN REQUIREMENTS FOR BOARD OF VISITORS.—(1) The Secretary may waive the application of any financial disclosure requirement imposed by law to a foreign member of the Board of Visitors of the Center if that requirement would otherwise apply to the member solely by reason of the service as a member of the Board. The authority under the preceding sentence applies only in the case of a foreign member who serves on the Board without compensation.

(2) Notwithstanding any other provision of law, a member of the Board of Visitors may not be required to register as an agent of a foreign government solely by reason of service as a member of the Board.

SEC. 1069. AUTHORITY TO AWARD TO CIVILIAN PARTICIPANTS IN THE DEFENSE OF PEARL HARBOR THE CONGRESSIONAL MEDAL PREVIOUSLY AUTHORIZED ONLY FOR MILITARY PARTICIPANTS IN THE DEFENSE OF PEARL HARBOR.

(a) AUTHORITY.—The Speaker of the House of Representatives and the President pro tempore of the Senate are authorized jointly to present, on behalf of Congress, a bronze medal provided for under section 1492 of the National Defense Authorization Act for Fiscal Year 1991 (104 Stat. 1721) to any person who meets the eligibility requirements set forth in subsection (d) of that section other than the requirement for membership in the Armed Forces, as certified under subsection (e) of that section or under subsection (b) of this section.

(b) CERTIFICATION.—The Secretary of Defense shall, not later than 12 months after the date of the enactment of this Act, certify to the Speaker of the House of Representatives and the President pro tempore of the Senate the names of persons who are eligible for award of the medal under this Act and have not previously been certified under section 1492(e) of the National Defense Authorization Act for Fiscal Year 1991.

(c) APPLICATIONS.—Subsections (d)(2) and (f) of section 1492 of the National Defense Authorization Act for Fiscal Year 1991 shall apply in the administration of this Act.

(d) ADDITIONAL STRIKING AUTHORITY.—The Secretary of the Treasury shall strike such additional medals as may be necessary for presentation under the authority of subsection (a).

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sum as may be necessary to carry out this section.

(f) RETROACTIVE EFFECTIVE DATE.—The authority under subsection (a) shall be effective as of November 5, 1990.

SEC. 1070. MICHAEL O'CALLAGHAN FEDERAL HOSPITAL, LAS VEGAS, NEVADA.

(a) FINDINGS.—Congress makes the following findings:

(1) Michael O'Callaghan, former Governor of the State of Nevada, served in three branches of the Armed Forces of the United States, namely, the Army, the Air Force, and the Marine Corps.

(2) At 16 years of age, Michael O'Callaghan enlisted in the United States Marine Corps to serve during the end of World War II.

(3) During the Korean conflict, Michael O'Callaghan served successively in the Air Force and the Army and, during such service, suffered wounds in combat that necessitated the amputation of his left leg.

(4) Michael O'Callaghan was awarded the Silver Star, the Bronze Star with Valor Device, and the Purple Heart for his military service.

(5) In 1963, Michael O'Callaghan became the first director of the Health and Welfare Department of the State of Nevada.

(6) In 1970, Michael O'Callaghan became Governor of the State of Nevada and served in that position through 1978, making him one of only five two-term governors in the history of the State of Nevada.

(7) In 1982, Michael O'Callaghan received the Air Force Exceptional Service Award.

(8) It is appropriate to name the Nellis Federal Hospital, Las Vegas, Nevada, a hospital operated jointly by the Department of Defense, through Nellis Air Force Base, and the Department of Veterans Affairs, through the Las Vegas Veterans Affairs Outpatient Clinic, after Michael O'Callaghan, a man who (A) has served his country with honor in three branches of the Armed Forces, (B) as a disabled veteran knows personally the tragic sacrifices that are so often made in the service of his country in the Armed Forces, and (C) has spent his entire career working to improve the lives of all Nevadans.

(b) DESIGNATION OF MICHAEL O'CALLAGHAN FEDERAL HOSPITAL.—The Nellis Federal Hospital, a Federal building located at 4700 North Las Vegas Boulevard, Las Vegas, Nevada, is designated as the ''Michael O'Callaghan Federal Hospital''.

(c) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in subsection (b) shall be deemed to be a reference to the ''Michael O'Callaghan Federal Hospital''.

SEC. 1071. NAMING OF BUILDING AT THE UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES.

It is the sense of the Senate that the Secretary of Defense should name Building A at the Uniformed Services University of the Health Sciences as the ''David Packard Building''.

SEC. 1072. SENSE OF THE SENATE REGARDING THE UNITED STATES–JAPAN SEMICONDUCTOR TRADE AGREEMENT.

(a) FINDINGS.—The Senate makes the following findings:

(1) The United States and Japan share a long and important bilateral relationship which serves as an anchor of peace and stability in the Asia Pacific region, an alliance which was reaffirmed at the recent summit meeting between President Clinton and Prime Minister Hashimoto in Tokyo.

(2) The Japanese economy has experienced difficulty over the past few years, demonstrating that it is no longer possible for Japan, the world's second largest economy, to use exports as the sole engine of economic growth, but that the Government of Japan must promote deregulation of its domestic economy in order to increase economic growth.

(3) Deregulation of the Japanese economy requires government attention to the removal of barriers to imports of manufactured goods.

(4) The United States-Japan Semiconductor Trade Agreement has begun the process of deregulation in the semiconductor sector and is opening the Japanese market to competitive foreign products.

(5) The United States-Japan Semiconductor Trade Agreement has put in place both government-to-government and industry-to-industry mechanisms which have played a vital role in allowing cooperation to replace conflict in this important high technology sector.

(6) The mechanisms include joint calculation of foreign market share, deterrence of dumping, and promotion of industrial cooperation in the design of foreign semiconductor devices.

(7) Because of these actions under the United States-Japan Semiconductor Trade Agreement, the United States and Japan today enjoy trade in semiconductors which is mutually beneficial, harmonious, and free from the friction that once characterized the semiconductor industry.

(8) Because of structural barriers in Japan, a gap still remains between the share of the world market for semiconductor products outside Japan that the United States and other foreign semiconductor sources are able to capture through competitiveness and the share of the Japanese semiconductor market that the United States and those other sources are able to capture through competitiveness, and that gap is consistent across the full range of semiconductor products as well as a full range of end-use applications.

(9) The competitiveness and health of the United States semiconductor industry is of critical importance to the overall economic well-being and high technology defense capabilities of the United States.

(10) The economic interests of both the United States and Japan are best served by well functioning, open markets, deterrence of dumping, and continuing good cooperative relationships in all sectors, including semiconductors.

(11) A strong and healthy and military and political alliance between the United States and Japan requires continuation of the industrial and economic cooperation promoted by the United States-Japan Semiconductor Trade Agreement.

(12) President Clinton has called on the Government of Japan to agree to a continuation of a United States-Japan Semiconductor Trade Agreement beyond the current agreement's expiration on July 31, 1996.

(13) The Government of Japan has opposed any continuation of a government-to-government agreement to promote cooperation in United States-Japan semiconductor trade.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) it is regrettable that the Government of Japan has refused to consider continuation of a government-to-government agreement to ensure that cooperation continues in the semiconductor sector beyond the expiration of the Semiconductor Trade Agreement on July 31, 1996; and

(2) the President should take all necessary and appropriate actions to ensure the continuation of a government-to-government United States-Japan Semiconductor Trade Agreement before the current agreement expires on that date.

(c) DEFINITION.—As used in this section, the term ''United States-Japan Semiconductor Trade Agreement'' refers to the agreement between the United States and Japan concerning trade in semiconductor products, with arrangement, done by exchange of letters at Washington on June 11, 1991.

SEC. 1073. FOOD DONATION PILOT PROGRAM AT THE SERVICE ACADEMIES.

(a) PROGRAM AUTHORIZED.—The Secretaries of the military departments and the Secretary of Transportation may each carry out a food donation pilot program at the service academy under the jurisdiction of the Secretary.

(b) DONATIONS AND COLLECTIONS OF FOOD AND GROCERY PRODUCTS.—Under the pilot program, the Secretary concerned may donate to, and permit others to collect for, a nonprofit organization any food or grocery product that—

(1) is—

(A) an apparently wholesome food;

(B) an apparently fit grocery product; or

(C) a food or grocery product that is donated in accordance with section 402(e) of the National and Community Service Act of 1990 (42 U.S.C. 12672(e));

(2) is owned by the United States;

(3) is located at a service academy under the jurisdiction of the Secretary; and

(4) is excess to the requirements of the academy.

(c) PROGRAM COMMENCEMENT.—The Secretary concerned shall commence carrying out the pilot program, if at all, during fiscal year 1997.

(d) APPLICABILITY OF GOOD SAMARITAN FOOD DONATION ACT..—Section 402 of the National and Community Service Act of 1990 (42 U.S.C. 12672) shall apply to donations and collections of food and grocery products under the pilot program without regard to section 403 of such Act (42 U.S.C. 12673).

(e) REPORTS.—(1) Each Secretary that carries out a pilot program at a service academy under this section shall submit to Congress an interim report and a final report on the pilot program.

(2) The Secretary concerned shall submit the interim report not later than one year after the date on which the Secretary commences the pilot program at a service academy.

(3) The Secretary concerned shall submit the final report not later than 90 days after the Secretary completes the pilot program at a service academy.

(4) Each report shall include the following:

(A) A description of the conduct of the pilot program.

(B) A discussion of the experience under the pilot program.

(C) An evaluation of the extent to which section 402 of the National and Community Service Act of 1990 (42 U.S.C. 12672) has been effective in protecting the United States and others from liabilities associated with actions taken under the pilot program.

(D) Any recommendations for legislation to facilitate donations or collections of excess food and grocery products of the United States or others for nonprofit organizations.

(f) DEFINITIONS.—In this section:

(1) The term ''service academy'' means each of the following:

(A) The United States Military Academy.

(B) The United States Naval Academy.

(C) The United States Air Force Academy.

(D) The United States Coast Guard Academy.

(2) The term ''Secretary concerned'' means the following:

(A) The Secretary of the Army, with respect to the United States Military Academy.

(B) The Secretary of the Navy, with respect to the United States Naval Academy.

(C) The Secretary of the Air Force, with respect to the United States Air Force Academy.

(D) The Secretary of Transportation, with respect to the United States Coast Guard Academy.

(3) The terms ''apparently fit grocery product'', ''apparently wholesome food'', ''donate'', ''food'', and ''grocery product'' have the meanings given those terms in section 402(b) of the National and Community Service Act of 1990 (42 U.S.C. 12672(b)).

SEC. 1074. DESIGNATION OF MEMORIAL AS NATIONAL D–DAY MEMORIAL.

(a) DESIGNATION.—The memorial to be constructed by the National D–Day Memorial Foundation in Bedford, Virginia, is hereby designated as a national memorial to be known as the ''National D–Day Memorial''. The memorial shall serve to honor the members of the Armed Forces of the United States who served in the invasion of Normandy, France, in June 1944.

(b) PUBLIC PROCLAMATION.—The President is requested and urged to issue a public proclamation acknowledging the designation of the memorial to be constructed by the National D–Day Memorial Foundation in Bedford, Virginia, as the National D–Day Memorial.

(c) MAINTENANCE OF MEMORIAL.—All expenses for maintenance and care of the memorial shall be paid for with non-Federal funds, including funds provided by the National D–Day Memorial Foundation. The United States shall not be liable for any expense incurred for the maintenance and care of the memorial.

SEC. 1075. IMPROVEMENTS TO NATIONAL SECURITY EDUCATION PROGRAM.

(a) REPEAL OF TEMPORARY REQUIREMENT RELATING TO EMPLOYMENT.—Title VII of the Department of Defense Appropriations Act, 1996 (Public Law 104–61; 109 Stat. 650), is amended under the heading ''NATIONAL SECURITY EDUCATION TRUST FUND'' by striking out the proviso.

(b) GENERAL PROGRAM REQUIREMENTS.—Subsection (a)(1) of section 802 of the David L. Boren National Security Education Act of 1991 (title VIII of Public Law 102–183; 50 U.S.C. 1902) is amended—

(1) by striking out subparagraph (A) and inserting in lieu thereof the following new subparagraph (A):

''(A) awarding scholarships to undergraduate students who—

''(i) are United States citizens in order to enable such students to study, for at least one academic semester or equivalent term, in foreign countries that are critical countries (as determined under section 803(d)(4)(A) of this title) in those languages and study areas where deficiencies exist (as identified in the assessments undertaken pursuant to section 806(d) of this title); and

''(ii) pursuant to subsection (b)(2)(A) of this section, enter into an agreement to work for, and make their language skills available to, an agency or office of the Federal Government or work in the field of higher education in the area of study for which the scholarship was awarded;''; and

(2) in subparagraph (B)—

(A) in clause (i), by inserting ''relating to the national security interests of the United States'' after ''international fields''; and

(B) in clause (ii)—

(i) by striking out ''subsection (b)(2)'' and inserting in lieu thereof ''subsection (b)(2)(B)''; and

(ii) by striking out ''work for an agency or office of the Federal Government or in'' and inserting in lieu thereof ''work for, and make their language skills available to, an agency or office of the Federal Government or work in''.

(c) SERVICE AGREEMENT.—Subsection (b) of that section is amended—

(1) in the matter preceding paragraph (1), by striking out '', or of scholarships'' and all that follows through ''12 months or more,'' and inserting in lieu thereof ''or any scholarship''.

(2) by striking out paragraph (2) and inserting in lieu thereof the following new paragraph (2):

''(2) will—

''(A) not later than eight years after such recipient's completion of the study for which scholarship assistance was provided under the program, and in accordance with regulations issued by the Secretary—

''(i) work in an agency or office of the Federal Government having national security responsibilities (as determined by the Secretary in consultation with the National Security Education Board) and make available such recipient's foreign language skills to an agency or office of the Federal Government approved by the Secretary (in consultation with the Board), upon the request of the agency or office, for a period specified by the Secretary, which period shall be no longer than the period for which scholarship assistance was provided; or

''(ii) if the recipient demonstrates to the Secretary (in accordance with such regulations) that no position in an agency or office of the Federal Government having national security responsibilities is available, work in the field of higher education in a discipline relating to the foreign country, foreign language, area study, or international field of study for which the scholarship was awarded, for a period specified by the Secretary, which period shall be determined in accordance with clause (i); or

''(B) upon completion of such recipient's education under the program, and in accordance with such regulations—

''(i) work in an agency or office of the Federal Government having national security responsibilities (as so determined) and make available such recipient's foreign language skills to an agency or office of the Federal Government approved by the Secretary (in consultation with the Board), upon the request of the agency or office, for a period specified by the Secretary, which period shall be not less than one and not more than three times the period for which the fellowship assistance was provided; or

''(ii) if the recipient demonstrates to the Secretary (in accordance with such regulations) that no position in an agency or office of the Federal Government having national security responsibilities is available upon the completion of the degree, work in the field of higher education in a discipline relating to the foreign country, foreign language, area study, or international field of study for which the fellowship was awarded, for a period specified by the Secretary, which period shall be established in accordance with clause (i); and''.

(d) EVALUATION OF PROGRESS IN LANGUAGE SKILLS.—Such section 802 is further amended by—

(1) redesignating subsections (c), (d), and (e) as subsections (d), (e), and (f), respectively; and

(2) by inserting after subsection (b) the following new subsection (c):

''(c) EVALUATION OF PROGRESS IN LANGUAGE SKILLS.—The Secretary shall, through the National Security Education Program office, administer a test of the foreign language skills of each recipient of a scholarship or fellowship under this title before the commencement of the study or education for which the scholarship or fellowship is awarded and after the completion of such study or education. The purpose of the tests is to evaluate the progress made by recipients of scholarships and fellowships in developing foreign language skills as a result of assistance under this title.''.

(e) FUNCTIONS OF THE NATIONAL SECURITY EDUCATION BOARD.—Section 803(d) of that Act (50 U.S.C. 1903(d)) is amended—

(1) in paragraph (1), by inserting '', including an order of priority in such awards that favors individuals expressing an interest in national security issues or pursuing a career in an agency or office of the Federal Government having national security responsibilities'' before the period;

(2) in paragraph (4)—

(A) in the matter preceding subparagraph (A), by striking out ''Make recommendations'' and inserting in lieu thereof ''After taking into account the annual analyses of trends in language, international, and area studies under section 806(b)(1), make recommendations'';

(B) in subparagraph (A), by inserting ''and countries which are of importance to the national security interests of the United States'' after ''are studying''; and

(C) in subparagraph (B), by inserting ''relating to the national security interests of the United States'' after ''of this title'';

(3) by redesignating paragraph (5) as paragraph (7); and

(4) by inserting after paragraph (4) the following new paragraphs:

''(5) Encourage applications for fellowships under this title from graduate students having an educational background in disciplines relating to science or technology.

''(6) Provide the Secretary on an on-going basis with a list of scholarship recipients and fellowship recipients who are available to work for, or make their language skills available to, an agency or office of the Federal Government having national security responsibilities.''.

(f) REPORT ON PROGRAM.—(1) Not later than six months after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report assessing the improvements to the program established under the David L. Boren National Security Education Act of 1991 (title VIII of Public Law 102–183; 50 U.S.C. 1901 et seq.) that result from the amendments made by this section.

(2) The report shall also include an assessment of the contribution of the program, as so improved, in meeting the national security objectives of the United States.

SEC. 1076. REIMBURSEMENT FOR EXCESSIVE COMPENSATION OF CONTRACTOR PERSONNEL PROHIBITED.

(a) ARMED SERVICES PROCUREMENTS.—Section 2324(e)(1) of title 10, United States Code, is amended by adding at the end the following:

''(P) Costs of compensation (including bonuses and other incentives) paid with respect to the services (including termination of services) of any one individual to the extent that the total amount of the compensation paid in a fiscal year exceeds $200,000.''.

(b) CIVILIAN AGENCY PROCUREMENTS.—Section 306(e)(1) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 256(e)(1)) is amended by adding at the end the following:

''(P) Costs of compensation (including bonuses and other incentives) paid with respect to the services (including termination of services) of any one individual to the extent that the total amount of the compensation paid in a fiscal year exceeds $200,000.''.

SEC. 1077. SENSE OF THE SENATE ON DEPARTMENT OF DEFENSE SHARING OF EXPERIENCES UNDER MILITARY YOUTH PROGRAMS.

(a) FINDINGS.—The Senate makes the following findings:

(1) Programs of the Department of Defense for youth who are dependents of members of the Armed Forces have not received the same level of attention and resources as have child care programs of the Department since the passage of the Military Child Care Act of 1989 (title XV of Public Law 101–189; 10 U.S.C. 113 note).

(2) Older children deserve as much attention to their developmental needs as do younger children.

(3) The Department has started to direct more attention to programs for youths who are dependents of members of the Armed Forces by funding the implementation of 20 model community programs to address the needs of such youths.

(4) The lessons learned from such programs could apply to civilian youth programs as well.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the Department of Defense, Federal, State, and local agencies, and businesses and communities involved in conducting youth programs could benefit from the development of partnerships to foster an exchange of ideas, information, and materials relating to such programs and to encourage closer relationships between military installations and the communities that support them;

(2) such partnerships could benefit all families by helping the providers of services for youths exchange ideas about innovative ways to address barriers to the effective provision of such services; and

(3) there are many ways that such partnerships could be developed, including—

(A) cooperation between the Department and Federal and State educational agencies

in exploring the use of public school facilities for child care programs and youth programs that are mutually beneficial to the Department and civilian communities and complement programs of the Department carried out at its facilities; and

(B) improving youth programs that enable adolescents to relate to new peer groups when families of members of the Armed Forces are relocated.

(c) REPORT.—Not later than June 30, 1997, the Secretary of Defense shall submit to Congress a report on the status of any initiatives undertaken this section, including recommendations for additional ways to improve the youth programs of the Department of Defense and to improve such programs so as to benefit communities in the vicinity of military installations.

SEC. 1078. SENSE OF THE SENATE ON DEPARTMENT OF DEFENSE SHARING OF EXPERIENCES WITH MILITARY CHILD CARE.

(a) FINDINGS.—The Senate makes the following findings:

(1) The Department of Defense should be congratulated on the successful implementation of the Military Child Care Act of 1989 (title XV of Public Law 101–189; 10 U.S.C. 113 note).

(2) The actions taken by the Department as a result of that Act have dramatically improved the availability, affordability, quality, and consistency of the child care services provided to members of the Armed Forces.

(3) Child care is important to the readiness of members of the Armed Forces because single parents and couples in military service must have access to affordable child care of good quality if they are to perform their jobs and respond effectively to long work hours or deployments.

(4) Child care is important to the retention of members of the Armed Forces in military service because the dissatisfaction of the families of such members with military life is a primary reason for the departure of such members from military service.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the civilian and military child care communities, Federal, State, and local agencies, and businesses and communities involved in the provision of child care services could benefit from the development of partnerships to foster an exchange of ideas, information, and materials relating to their experiences with the provision of such services and to encourage closer relationships between military installations and the communities that support them;

(2) such partnerships would be beneficial to all families by helping providers of child care services exchange ideas about innovative ways to address barriers to the effective provision of such services; and

(3) there are many ways that these partnerships can be developed, including—

(A) cooperation between the directors and curriculum specialists of military child development centers and civilian child development centers in assisting such centers in the accreditation process;

(B) use of family support staff to conduct parent and family workshops for new parents and parents with young children in family housing on military installations and in communities in the vicinity of such installations;

(C) internships in Department of Defense child care programs for civilian child care providers to broaden the base of good-quality child care services in communities in the vicinity of military installations; and

(D) attendance by civilian child care providers at Department child-care training classes on a space-available basis.

(c) REPORT.—Not later than June 30, 1997, the Secretary of Defense shall submit to Congress a report on the status of any initiatives undertaken this section, including recommendations for additional ways to improve the child care programs of the Department of Defense and to improve such programs so as to benefit civilian child care providers in communities in the vicinity of military installations.

SEC. 1079. INCREASE IN PENALTIES FOR CERTAIN TRAFFIC OFFENSES ON MILITARY INSTALLATIONS.

Section 4 of the Act of June 1, 1948 (40 U.S.C. 318c) is amended to read as follows:

''SEC. 4. (a) Except as provided in subsection (b), whoever shall violate any rule or regulation promulgated pursuant to section 2 of this Act may be fined not more than $50 or imprisoned for not more than thirty days, or both.

''(b) Whoever shall violate any rule or regulation for the control of vehicular or pedestrian traffic on military installations that is promulgated by the Secretary of Defense, or the designee of the Secretary, under the authority delegated pursuant to section 2 of this Act may be fined an amount not to exceed the amount of a fine for a like or similar offense under the criminal or civil law of the State, territory, possession, or district where the military installation is located, or imprisoned for not more than thirty days, or both.''.

SEC. 1080. PHARMACEUTICAL INDUSTRY SPECIAL EQUITY.

(a) SHORT TITLE.—This section may be cited as the ''Pharmaceutical Industry Special Equity Act of 1996''.

(b) APPROVAL OF GENERIC DRUGS.—

(1) IN GENERAL.—With respect to any patent, the term of which is modified under section 154(c)(1) of title 35, United States Code, as amended by the Uruguay Round Agreements Act (Public Law 103–465; 108 Stat. 4983), the remedies of section 271(e)(4) of title 35, United States Code, shall not apply if—

(A) such patent is the subject of a certification described under—

(i) section 505 (b)(2)(A)(iv) or (j)(2)(A)(vii)(IV) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355 (b)(2)(A)(iv) or (j)(2)(A)(vii)(IV)); or

(ii) section 512(n)(1)(H)(iv) of such Act (21 U.S.C. 360b(n)(1)(H)(iv));

(B) on or after the date of enactment of this section, such a certification is made in an application that was filed under section 505 or 512 of the Federal Food, Drug, and Cosmetic Act and accepted for filing by the Food and Drug Administration prior to June 8, 1995; and

(C) a final order, from which no appeal is pending or may be made, has been entered in an action brought under chapter 28 or 29 of title 35, United States Code—

(i) finding that the person who submitted such certification made a substantial investment of the type described under section 154(c)(2) of title 35, United States Code, as amended by the Uruguay Round Agreements Act; and

(ii) establishing the amount of equitable remuneration of the type described under section 154(c)(3) of title 35, United States Code, as amended by the Uruguay Round Agreements Act, that is required to be paid by the person who submitted such certification to the patentee for the product that is the subject of the certification.

(2) DETERMINATION OF SUBSTANTIAL INVESTMENT.—In determining whether a substantial investment has been made in accordance with this section, the court shall find that—

(A) a complete application submitted under section 505 or 512 of the Federal Food, Drug, and Cosmetic Act was found by the Secretary of Health and Human Services on or before June 8, 1995 to be sufficiently complete to permit substantive review; and

(B) the total sum of the investment made by the person submitting such application—

(i) is specifically related to the research, development, manufacture, sale, marketing, or other activities undertaken in connection with, the product covered by such an application; and

(ii) does not solely consist of that person's expenditures related to the development and submission of the information contained in such an application.

(3) EFFECTIVE DATE OF APPROVAL OF APPLICATION.—In no event shall the Food and Drug Administration make the approval of an application under sections 505 or 512 of the Federal Food, Drug, and Cosmetic Act, which is subject to the provisions of this section, effective prior to the entry of the order described in paragraph (1)(C).

(4) APPLICABILITY.—The provisions of this subsection shall not apply to any patent the term of which, inclusive of any restoration period provided under section 156 of title 35, United States Code, would have expired on or after June 8, 1998, under the law in effect on the date before December 8, 1994.

(c) APPLICATION OF CERTAIN BENEFITS AND TERM EXTENSIONS TO ALL PATENTS IN FORCE ON A CERTAIN DATE.—For the purposes of this section and the provisions of title 35, United States Code, all patents in force on June 8, 1995, including those in force by reason of section 156 of title 35, United States Code, are entitled to the full benefit of the Uruguay Round Agreements Act of 1994 and any extension granted before such date under section 156 of title 35, United States Code.

(d) EXTENSION OF PATENTS RELATING TO NONSTEROIDAL ANTI-INFLAMMATORY DRUGS.—

(1) IN GENERAL.—Notwithstanding section 154 of title 35, United States Code, the term of patent shall be extended for any patent which encompasses within its scope of composition of matter known as a nonsteroidal anti-inflammatory drug if—

(A) during the regulatory review of the drug by the Food and Drug Administration the patentee—

(i) filed a new drug application in 1982 under section 505 of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 355); and

(ii) awaited approval by the Food and Drug Administration for at least 96 months; and

(B) such new drug application was approved in 1991.

(2) TERM.—The term of any patent described in paragraph (1) shall be extended from its current expiration date for a period of 2 years.

(3) NOTIFICATION.—No later than 90 days after the date of enactment of this section, the patentee of any patent described in paragraph (1) shall notify the Commissioner of Patents and Trademarks of the number of any patent extended under such paragraph. On receipt of such notice, the Commissioner shall confirm such extension by placing a notice thereof in the official file of such patent and publishing an appropriate notice of such extension in the Official Gazette of the Patent and Trademark Office.

(e) EXPEDITED PROCEDURES FOR CIVIL ACTIONS.—

(1) APPLICATION.—(A) This subsection applies to any civil action in a court of the United States brought to determine the rights of the parties under this section, including any determination made under subsection (b).

(B) For purposes of this subsection the term ''civil action'' refers to a civil action described under subparagraph (A).

(2) SUPERSEDING PROVISIONS.—Procedures adopted under this subsection shall supersede any provision of title 28, United States

Code, the Federal Rules of Civil Procedure, or the Federal Rules of Appellate Procedure to the extent of any inconsistency.

(3) PROCEDURES IN DISTRICT COURT.—No later than 60 days after the date of the enactment of this Act, each district court of the United States shall adopt procedures to—

(A) provide for priority in consideration of civil actions on an expedited basis, including consideration of determinations relating to substantial investment, equitable remuneration, and equitable compensation;

(B) provide that—

(i) no later than 10 days after a party files an answer to a complaint filed in a civil action the court shall order that all discovery (including a hearing on any discovery motions) shall be completed no later than 60 days after the date on which the court enters the order; and

(ii) the court may grant a single extension of the 60-day period referred to under clause (i) for an additional period of no more than 30 days upon a showing of good cause;

(C) require any dispositive motion in a civil action to be filed no later than 30 days after completion of discovery;

(D) require that—

(i) if a dispositive motion is filed in a civil action, the court shall rule on such a motion no later than 30 days after the date on which the motion is filed;

(ii) the court shall begin the trial of a civil action no later than 60 days after the later of—

(I) the date on which discovery is completed in accordance with subparagraph (B); or

(II) the last day of the 30-day period referred to under clause (i), if a dispositive motion is filed;

(E) require that if a person does not hold the patent which is the subject of a civil action and is the prevailing party in the civil action, the court shall order the nonprevailing party to pay damages to the prevailing party;

(F) the damages payable to such persons shall include—

(i) the costs resulting from the delay caused by the civil action; and

(ii) lost profits from such delay; and

(G) provide that the prevailing party in a civil action shall be entitled to recover reasonable attorney's fees and court costs.

(4) PROCEDURES IN FEDERAL CIRCUIT COURT.—No later than 60 days after the date of the enactment of this Act, the United States Court of Appeals for the Federal Circuit shall adopt procedures to provide for expedited considerations of civil actions brought under this Act.

SEC. 1081. CLARIFICATION OF NATIONAL SECURITY SYSTEMS TO WHICH THE INFORMATION TECHNOLOGY MANAGEMENT REFORM ACT OF 1996 APPLIES.

Section 5142(b) of the Information Technology Management Reform Act of 1996 (division E of Public Law 104–106; 110 Stat. 689; 40 U.S.C. 1452(b)) is amended—

(1) by striking out ''(b) LIMITATION.—'' and inserting in lieu thereof ''(b) LIMITATIONS.—(1)''; and

(2) by adding at the end the following:

''(2) Notwithstanding any other provision of this section or any other provision of law, for the purposes of this subtitle, a system that, in function, operation, or use, involves the storage, processing, or forwarding of classified information and is protected at all times by procedures established for the handling of classified information shall be considered as a national security system under the definition in subsection (a) only if the function, operation, or use of the system—

''(A) involves activities described in paragraph (1), (2), or (3) of subsection (a);

''(B) involves equipment described in paragraph (4) of subsection (a); or

''(C) is critical to an objective described in paragraph (5) of subsection (a) and is not excluded by paragraph (1) of this subsection.''.

SEC. 1082. SALE OF CHEMICALS USED TO MANUFACTURE CONTROLLED SUBSTANCES BY FEDERAL DEPARTMENTS OR AGENCIES.

A Federal department or agency may not sell from the stocks of the department or agency any chemical which, as determined by the Administrator of the Drug Enforcement Agency, could be used in the manufacture of a controlled substance as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802) unless the Administrator certifies in writing to the head of the department or agency that there is no reasonable cause to believe that the sale of the chemical would result in the illegal manufacture of a controlled substance.

SEC. 1083. OPERATIONAL SUPPORT AIRLIFT AIRCRAFT.

(a) STATUS OF EXCESS AIRCRAFT.—Operational support airlift aircraft excess to the requirements of the Department of Defense shall be placed in an inactive status and stored at Davis-Monthan Air Force Base, Arizona, pending the completion of any study or analysis of the costs and benefits of disposing of or operating such aircraft that precedes a decision to dispose of or continue to operate such aircraft.

(b) OPERATIONAL SUPPORT AIRLIFT AIRCRAFT DEFINED.—In this section, the term ''operational support airlift aircraft'' has the meaning given such term in section 1086(f) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 458).

SEC. 1084. SENSE OF SENATE REGARDING BOSNIA AND HERZEGOVINA.

It is the sense of the Senate that, notwithstanding any other provision of law, in order to maximize the amount of equipment provided to the Government of Bosnia and Herzegovina under the authority contained in section 540 of the Foreign Operations Act of 1996 (Public Law 104–107), the price of the transferred equipment shall not exceed the lowest level at which the same or similar equipment has been transferred to any other country under any other United States Government program.

SEC. 1085. STRENGTHENING CERTAIN SANCTIONS AGAINST NUCLEAR PROLIFERATION ACTIVITIES.

(a) IN GENERAL.—Section 2(b)(4) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(4)) is amended—

(1) by inserting after ''any country has willfully aided or abetted'' the following: '', or any person has knowingly aided or abetted,'';

(2) by striking ''or countries'' and inserting '', countries, person, or persons'';

(3) by inserting after ''United States exports to such country'' the following: ''or, in the case of any such person, give approval to guarantee, insure, or extend credit, or participate in the extension of credit in support of, exports to or by any such person for a 12-month period,'';

(4) by inserting ''(A)'' immediately after ''(4)'';

(5) by inserting after ''United States exports to such country'' the second place it appears the following: '', except as provided in subparagraph (B),''; and

(6) by adding at the end the following:

''(B) In the case of any country or person aiding or abetting a non-nuclear-weapon state as described in subparagraph (A), the prohibition on financing by the Bank contained in the second sentence of that subparagraph shall not apply to the country or person, as the case may be, if the President determines and certifies in writing to the Congress that—

''(i) reliable information indicates that the country or person with respect to which the determination is made has ceased to aid or abet any non-nuclear-weapon state to acquire any nuclear explosive device or to acquire unsafeguarded special nuclear material; and

''(ii) the President has received reliable assurances from the country or person that such country or person will not, in the future, aid or abet any non-nuclear-weapon state in its efforts to acquire any nuclear explosive device or any unsafeguarded special nuclear material.

''(C) For purposes of subparagraphs (A) and (B)—

''(i) the term 'country' has the meaning given to 'foreign state' in section 1603(a) of title 28, United States Code;

''(ii) the term 'knowingly' is used within the meaning of the term 'knowing' in section 104 of the Foreign Corrupt Practices Act; and

''(iii) the term 'person' means a natural person as well as a corporation, business association, partnership, society, trust, any other nongovernmental entity, organization, or group, and any governmental entity operating as a business enterprise, and any successor of any such entity.''.

(b) EFFECTIVE DATE.—(1) The amendments made by paragraphs (1) through (5) of subsection (a) shall apply to persons, and the amendment made by subsection (a)(6), shall apply to countries and persons, aiding or abetting non-nuclear weapon states on or after June 29, 1994.

(2) Nothing in this section or the amendments made by this section shall apply to obligations undertaken pursuant to guarantees, insurance, and the extension of credits (and participation in the extension of credits) made before the date of enactment of this Act.

SEC. 1086. TECHNICAL AMENDMENT.

Paragraph (3) of section 8003(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(a)) is amended—

(1) by striking ''2000 and such number equals or exceeds 15'' and inserting ''1000 or such number equals or exceeds 10''; and

(2) by inserting '', except that notwithstanding any other provision of this title the Secretary shall not make a payment computed under this paragraph for a child described in subparagraph (F) or (G) of paragraph (1) who is associated with Federal property used for Department of Defense activities unless funds for such payment are made available to the Secretary from funds available to the Secretary of Defense'' before the period.

SEC. 1087. FACILITY FOR MILITARY DEPENDENT CHILDREN WITH DISABILITIES, LACKLAND AIR FORCE BASE, TEXAS.

(a) FUNDING.—Of the amounts authorized to be appropriated by this Act for the Department of the Air Force, $2,000,000 may be available for the construction at Lackland Air Force Base, Texas, of a facility (and supporting infrastructure) to provide comprehensive care and rehabilitation services to children with disabilities who are dependents of members of the Armed Forces.

(b) TRANSFER OF FUNDS.—Subject to subsection (c), the Secretary of the Air Force may grant the funds available under subsection (a) to the Children's Association for Maximum Potential (CAMP) for use by the association to defray the costs of designing and constructing the facility referred to in subsection (a).

(c) LEASE OF FACILITY.—(1) The Secretary may not make a grant of funds under subsection (b) until the Secretary and the association enter into an agreement under which

the Secretary leases to the association the facility to be constructed using the funds.

(2)(A) The term of the lease under paragraph (1) may not be less than 25 years.

(B) As consideration for the lease of the facility, the association shall assume responsibility for the operation and maintenance of the facility, including the costs of such operation and maintenance.

(3) The Secretary may require such additional terms and conditions in connection with the lease as the Secretary considers appropriate to protect the interests of the United States.

SEC. 1088. PROHIBITION ON THE DISTRIBUTION OF INFORMATION RELATING TO EXPLOSIVE MATERIALS FOR A CRIMINAL PURPOSE.

(a) UNLAWFUL CONDUCT.—Section 842 of title 18, United States Code, is amended by adding at the end the following new subsection:

''(l) It shall be unlawful for any person to teach or demonstrate the making of explosive materials, or to distribute by any means information pertaining to, in whole or in part, the manufacture of explosive materials, if the person intends or knows, that such explosive materials or information will be used for, or in furtherance of, an activity that constitutes a Federal criminal offense or a criminal purpose affecting interstate commerce.''.

(b) PENALTY.—Section 844(a) of title 18, United States Code, is amended—

(1) by striking ''(a) Any person'' and inserting ''(a)(1) Any person''; and

(2) by adding at the end the following:

''(2) Any person who violates subsection (l) of section 842 of this chapter shall be fined under this title, imprisoned not more than 20 years, or both.''.

SEC. 1089. EXEMPTION FOR SAVINGS INSTITUTIONS SERVING MILITARY PERSONNEL.

Section 10(m)(3)(F) of the Home Owners' Loan Act (12 U.S.C. 1467a(m)(3)(F)) is amended to read as follows:

''(F) EXEMPTION FOR SPECIALIZED SAVINGS ASSOCIATIONS SERVING CERTAIN MILITARY PERSONNEL.—Subparagraph (A) does not apply to a savings association subsidiary of a savings and loan holding company if not less than 90 percent of the customers of the savings and loan holding company and the subsidiaries and affiliates of such company are active or former officers in the United States military services or the widows, widowers, divorced spouses, or current or former dependents of such officers.''.

Subtitle G—Review of Armed Forces Force Structures

SEC. 1091. SHORT TITLE.

This subtitle may be cited as the ''Armed Forces Force Structures Review Act of 1996''.

SEC. 1092. FINDINGS.

Congress makes the following findings:

(1) Since the collapse of the Soviet Union in 1991, the United States has conducted two substantial assessments of the force structure of the Armed Forces necessary to meet United States defense requirements.

(2) The assessment by the Bush Administration (known as the ''Base Force'' assessment) and the assessment by the Clinton Administration (known as the ''Bottom-Up Review'') were intended to reassess the force structure of the Armed Forces in light of the changing realities of the post-Cold War world.

(3) Both assessments served an important purpose in focusing attention on the need to reevaluate the military posture of the United States, but the pace of global change necessitates a new, comprehensive assessment of the defense strategy of the United States and the force structure of the Armed Forces required to meet the threats to the United States in the 21st century.

(4) The Bottom-Up Review has been criticized on several points, including—

(A) the assumptions underlying the strategy of planning to fight and win two nearly simultaneous major regional conflicts;

(B) the force levels recommended to carry out that strategy; and

(C) the funding proposed for such recommended force levels.

(5) In response to the recommendations of the Commission on Roles and Missions of the Armed Forces, the Secretary of Defense endorsed the concept of conducting a quadrennial review of the defense program at the beginning of each newly elected Presidential administration, and the Secretary intends to complete the first such review in 1997.

(6) The review is to involve a comprehensive examination of defense strategy, the force structure of the active, guard, and reserve components, force modernization plans, infrastructure, and other elements of the defense program and policies in order to determine and express the defense strategy of the United States and to establish a revised defense program through the year 2005.

(7) In order to ensure that the force structure of the Armed Forces is adequate to meet the challenges to the national security interests of the United States in the 21st century, to assist the Secretary of Defense in conducting the review referred to in paragraph (5), and to assess the appropriate force structure of the Armed Forces through the year 2010 and beyond (if practicable), it is important to provide for the conduct of an independent, non-partisan review of the force structure that is more comprehensive than prior assessments of the force structure, extends beyond the quadrennial defense review, and explores innovative and forward-thinking ways of meeting such challenges.

SEC. 1093. QUADRENNIAL DEFENSE REVIEW.

(a) REQUIREMENT IN 1997.—The Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, shall complete in 1997 a review of the defense program of the United States intended to satisfy the requirements for a Quadrennial Defense Review as identified in the recommendations of the Commission on Roles and Missions of the Armed Forces. The review shall include a comprehensive examination of the defense strategy, force structure, force modernization plans, infrastructure, and other elements of the defense program and policies with a view toward determining and expressing the defense strategy of the United States and establishing a revised defense program through the year 2005.

(b) INVOLVEMENT OF NATIONAL DEFENSE PANEL.—(1) The Secretary shall apprise the National Defense Panel established under section 1084, on an on-going basis, of the work undertaken in the conduct of the review.

(2) Not later than March 14, 1997, the Chairman of the National Defense Panel shall submit to the Secretary the Panel's assessment of work undertaken in the conduct of the review as of that date and shall include in the assessment the recommendations of the Panel for improvements to the review, including recommendations for additional matters to be covered in the review.

(c) ASSESSMENTS OF REVIEW.—Upon completion of the review, the Chairman of the Joint Chiefs of Staff and the Chairman of the National Defense Panel shall each prepare and submit to the Secretary such chairman's assessment of the review in time for the inclusion of the assessment in its entirety in the report under subsection (d).

(d) REPORT.—Not later than May 15, 1997, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a comprehensive report on the review. The report shall include the following:

(1) The results of the review, including a comprehensive discussion of the defense strategy of the United States and the force structure best suited to implement the strategy.

(2) The threats examined for purposes of the review and the scenarios developed in the examination of such threats.

(3) The assumptions used in the review, including assumptions relating to the cooperation of allies and mission-sharing, levels of acceptable risk, warning times, and intensity and duration of conflict.

(4) The effect on the force structure of preparations for and participation in peace operations and military operations other than war.

(5) The effect on the force structure of the utilization by the Armed Forces of technologies anticipated to be available by the year 2005, including precision guided munitions, stealth, night vision, digitization, and communications, and the changes in doctrine and operational concepts that would result from the utilization of such technologies.

(6) The manpower and sustainment policies required under the defense strategy to support engagement in conflicts lasting more than 120 days.

(7) The anticipated roles and missions of the reserve components in the defense strategy and the strength, capabilities, and equipment necessary to assure that the reserve components can capably discharge such roles and missions.

(8) The appropriate ratio of combat forces to support forces (commonly referred to as the ''tooth-to-tail'' ratio) under the defense strategy, including, in particular, the appropriate number and size of headquarter units and Defense Agencies for that purpose.

(9) The air-lift and sea-lift capabilities required to support the defense strategy.

(10) The forward presence, pre-positioning, and other anticipatory deployments necessary under the defense strategy for conflict deterrence and adequate military response to anticipated conflicts.

(11) The extent to which resources must be shifted among two or more theaters under the defense strategy in the event of conflict in such theaters.

(12) The advisability of revisions to the Unified Command Plan as a result of the defense strategy.

SEC. 1094. NATIONAL DEFENSE PANEL.

(a) ESTABLISHMENT.—Not later than December 1, 1996, the Secretary of Defense shall establish a non-partisan, independent panel to be known as the National Defense Panel (in this section referred to as the ''Panel''). The Panel shall have the duties set forth in this section.

(b) MEMBERSHIP.—The Panel shall be composed of a chairman and eight other individuals appointed by the Secretary, in consultation with the Chairman and ranking member of the Committee on Armed Services of the Senate and the Chairman and ranking member of the Committee on National Security of the House of Representatives, from among individuals in the private sector who are recognized experts in matters relating to the national security of the United States.

(c) DUTIES.—The Panel shall—

(1) conduct and submit to the Secretary the assessment of the review under section 1083 that is required by subsection (b)(2) of that section;

(2) conduct and submit to the Secretary the comprehensive assessment of the review

that is required by subsection (c) of that section upon completion of the review; and

(3) conduct the assessment of alternative force structures for the Armed Forces required under subsection (d).

(d) ALTERNATIVE FORCE STRUCTURE ASSESSMENT.—(1) The Panel shall submit to the Secretary an independent assessment of a variety of possible force structures of the Armed Forces through the year 2010 and beyond, including the force structure identified in the report on the review under section 1083(d). The purpose of the assessment is to develop proposals for an ''above the line'' force structure of the Armed Forces and to provide the Secretary and Congress recommendations regarding the optimal force structure to meet anticipated threats to the national security of the United States through the time covered by the assessment.

(2) In conducting the assessment, the Panel shall examine a variety of potential threats (including near-term threats and long-term threats) to the national security interests of the United States, including the following:

(A) Conventional threats across a spectrum of conflicts.

(B) The proliferation of weapons of mass destruction and the means of delivering such weapons, and the illicit transfer of technology relating to such weapons.

(C) The vulnerability of United States technology to non-traditional threats, including information warfare.

(D) Domestic and international terrorism.

(E) The emergence of a major challenger having military capabilities similar to those of the United States.

(F) Any other significant threat, or combination of threats, identified by the Panel.

(3) For purposes of the assessment, the Panel shall develop a variety of scenarios requiring a military response by the Armed Forces, including the following:

(A) Scenarios developed in light of the threats examined under paragraph (2).

(B) Scenarios developed in light of a continuum of conflicts ranging from a conflict of lesser magnitude than the conflict described in the Bottom-Up Review to a conflict of greater magnitude than the conflict so described.

(4) As part of the assessment, the Panel shall also—

(A) develop recommendations regarding a variety of force structures for the Armed Forces that permit the forward deployment of sufficient land- and sea-based forces to provide an effective deterrent to conflict and to permit a military response by the United States to the scenarios developed under paragraph (3);

(B) to the extent practicable, estimate the funding required by fiscal year, in constant fiscal year 1997 dollars, to organize, equip, and support the forces contemplated under the force structures assessed in the assessment; and

(C) comment on each of the matters also to be included by the Secretary in the report required by section 1083(d).

(e) REPORT.—(1) Not later than December 1, 1997, the Panel shall submit to the Secretary a report setting forth the activities, findings and recommendations of the Panel under subsection (d), including any recommendations for legislation that the Panel considers appropriate.

(2) Not later than December 15, 1997, the Secretary shall, after consultation with the Chairman of the Joint Chiefs of Staff, submit to the committees referred to in subsection (b)(1) a copy of the report under paragraph (1), together with the Secretary's comments on the report.

(f) INFORMATION FROM FEDERAL AGENCIES.—The Panel may secure directly from the Department of Defense and any of its components and from any other Federal department and agency such information as the Panel considers necessary to carry out its duties under this section. The head of the department or agency concerned shall ensure that information requested by the Panel under this subsection is promptly provided.

(g) PERSONNEL MATTERS.—(1) Each member of the Panel shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Panel.

(2) The members of the Panel shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Panel.

(3)(A) The chairman of the Panel may, without regard to the civil service laws and regulations, appoint and terminate an executive director, and a staff of not more than four additional individuals, if the Panel determines that an executive director and staff are necessary in order for the Panel to perform its duties effectively. The employment of an executive director shall be subject to confirmation by the Panel.

(B) The chairman may fix the compensation of the executive director without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(4) Any Federal Government employee may be detailed to the Panel without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege. The Secretary shall ensure that sufficient personnel are detailed to the Panel to enable the Panel to carry out its duties effectively.

(5) To the maximum extent practicable, the members and employees of the Panel shall travel on military aircraft, military ships, military vehicles, or other military conveyances when travel is necessary in the performance of a duty of the Panel, except that no such aircraft, ship, vehicle, or other conveyance may be scheduled primarily for the transportation of any such member or employee when the cost of commercial transportation is less expensive.

(h) ADMINISTRATIVE PROVISIONS.—(1) The Panel may use the United States mails and obtain printing and binding services in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(2) The Secretary shall furnish the Panel any administrative and support services requested by the Panel.

(3) The Panel may accept, use, and dispose of gifts or donations of services or property.

(i) PAYMENT OF PANEL EXPENSES.—The compensation, travel expenses, and per diem allowances of members and employees of the Panel shall be paid out of funds available to the Department of Defense for the payment of compensation, travel allowances, and per diem allowances, respectively, of civilian employees of the Department. The other expenses of the Panel shall be paid out of funds available to the Department for the payment of similar expenses incurred by the Department.

(j) TERMINATION.—The Panel shall terminate 30 days after the date on which the Panel submits its report to the Secretary under subsection (e).

SEC. 1095. POSTPONEMENT OF DEADLINES.

In the event that the election of President of the United States in 1996 results in a change in administrations, each deadline set forth in this subtitle shall be postponed by 3 months.

SEC. 1096. DEFINITIONS.

In this subtitle:

(1) The term ''''above the line' force structure of the Armed Forces'' means a force structure (including numbers, strengths, and composition and major items of equipment) for the Armed Forces at the following unit levels:

(A) In the case of the Army, the division.

(B) In the case of the Navy, the battle group.

(C) In the case of the Air Force, the wing.

(D) In the case of the Marine Corps, the expeditionary force.

(E) In the case of special operations forces of the Army, Navy, or Air Force, the major operating unit.

(F) In the case of the strategic forces, the ballistic missile submarine fleet, the heavy bomber force, and the intercontinental ballistic missile force.

(2) The term ''Commission on Roles and Missions of the Armed Forces'' means the Commission on Roles and Missions of the Armed Forces established by subtitle E of title IX of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1738; 10 U.S.C. 111 note).

(3) The term ''military operation other than war'' means any operation other than war that requires the utilization of the military capabilities of the Armed Forces, including peace operations, humanitarian assistance operations and activities, counterterrorism operations and activities, disaster relief activities, and counter-drug operations and activities.

(4) The term ''peace operations'' means military operations in support of diplomatic efforts to reach long-term political settlements of conflicts and includes peacekeeping operations and peace enforcement operations.

TITLE XI—DEPARTMENT OF DEFENSE CIVILIAN PERSONNEL

Subtitle A—Personnel Management, Pay, and Allowances

SEC. 1101. SCOPE OF REQUIREMENT FOR CONVERSION OF MILITARY POSITIONS TO CIVILIAN POSITIONS.

Section 1032(a) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 429; 10 U.S.C. 129a note) is amended—

(1) by striking out the text of paragraph (1) and inserting in lieu thereof the following: ''By September 30, 1996, the Secretary of Defense shall convert at least 3,000 military positions to civilian positions.'';

(2) by striking out paragraph (2); and

(3) by redesignating paragraph (3) as paragraph (2).

SEC. 1102. RETENTION OF CIVILIAN EMPLOYEE POSITIONS AT MILITARY TRAINING BASES TRANSFERRED TO NATIONAL GUARD.

(a) MILITARY TRAINING INSTALLATIONS AFFECTED.—This section applies with respect to each military training installation that—

(1) was approved for closure in 1995 under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note);

(2) is scheduled for transfer to National Guard operation and control; and

(3) will continue to be used, after such transfer, to provide training support to active and reserve components of the Armed Forces.

(b) RETENTION OF EMPLOYEE POSITIONS.—In the case of a military training installation described in subsection (a), the Secretary of Defense may retain civilian employee positions of the Department of Defense at the installation after transfer to the National Guard of a State in order to facilitate active and reserve component training at the installation. The Secretary, in consultation with the Adjutant General of the National Guard of that State, shall determine the extent to which positions at that installation are to be retained as positions in the Department of Defense.

(c) MAXIMUM NUMBER OF POSITIONS RETAINED.—The maximum number of civilian employee positions retained at an installation under this section shall not exceed 20 percent of the Federal civilian workforce employed at the installation as of September 8, 1995.

(d) REMOVAL OF POSITION.—The decision to retain civilian employee positions at an installation under this section shall cease to apply to a position so retained on the date on which the Secretary certifies to Congress that it is no longer necessary to retain the position in order to ensure that effective support is provided at the installation for active and reserve component training.

SEC. 1103. CLARIFICATION OF LIMITATION ON FURNISHING CLOTHING OR PAYING A UNIFORM ALLOWANCE TO ENLISTED NATIONAL GUARD TECHNICIANS.

Section 418(c) of title 37, United States Code, is amended by striking out ''for which a uniform allowance is paid under section 415 or 416 of this title'' and inserting in lieu thereof ''for which clothing is furnished or a uniform allowance is paid under this section''.

SEC. 1104. TRAVEL EXPENSES AND HEALTH CARE FOR CIVILIAN EMPLOYEES OF THE DEPARTMENT OF DEFENSE ABROAD.

(a) IN GENERAL.—Chapter 81 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 1599b. Employees abroad: travel expenses; health care

''(a) IN GENERAL.—The Secretary of Defense may provide civilian employees, and members of their families, abroad with benefits that are comparable to certain benefits that are provided by the Secretary of State to members of the Foreign Service and their families abroad as described in subsections (b) and (c). The Secretary may designate the employees and members of families who are eligible to receive the benefits.

''(b) TRAVEL AND RELATED EXPENSES.—The Secretary of Defense may pay travel expenses and related expenses for purposes and in amounts that are comparable to the purposes for which, and the amounts in which, travel and related expenses are paid by the Secretary of State under section 901 of the Foreign Service Act of 1980 (22 U.S.C. 4081).

''(c) HEALTH CARE PROGRAM.—The Secretary of Defense may establish a health care program that is comparable to the health care program established by the Secretary of State under section 904 of that Act (22 U.S.C. 4084).

''(d) ASSISTANCE.—The Secretary of Defense may enter into agreements with the heads of other departments and agencies of the Federal Government in order to facilitate the payment of expenses authorized by subsection (b) and to carry out a health care program authorized by subsection (c).

''(e) ABROAD DEFINED.—In this section, the term 'abroad' means outside—

''(1) the United States; and

''(2) the territories and possessions of the United States.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1599a the following new item:

''1599b. Employees abroad: travel expenses; health care.''.

SEC. 1105. TRAVEL, TRANSPORTATION, AND RELOCATION ALLOWANCES FOR CERTAIN FORMER NONAPPROPRIATED FUND EMPLOYEES.

(a) IN GENERAL.—(1) Subchapter II of chapter 57 of title 5, United States Code, is amended by adding at the end the following new section:

''§ 5736. Travel, transportation, and relocation expenses of certain nonappropriated fund employees

''An employee of a nonappropriated fund instrumentality of the Department of Defense or the Coast Guard described in section 2105(c) of this title who moves, without a break in service of more than 3 days, to a position in the Department of Defense or the Coast Guard, respectively, may be authorized travel, transportation, and relocation expenses and allowances under the same conditions and to the same extent authorized by this subchapter for transferred employees.''.

(2) The table of sections at the beginning of chapter 57 of such title is amended by inserting after the item relating to section 5735 the following new item:

''5736. Travel, transportation, and relocation expenses of certain nonappropriated fund employees.''.

(b) APPLICABILITY.—Section 5736 of title 5, United States Code (as added by subsection (a)(1)), shall apply to moves between positions as described in such section that are effective on or after October 1, 1996.

SEC. 1106. EMPLOYMENT AND SALARY PRACTICES APPLICABLE TO DEPARTMENT OF DEFENSE OVERSEAS TEACHERS.

(a) EXPANSION OF SCOPE OF EDUCATORS COVERED.—Section 2 of the Defense Department Overseas Teachers Pay and Personnel Practices Act (20 U.S.C. 901) is amended—

(1) in subparagraph (A) of paragraph (1), by inserting '', or are performed by an individual who carried out certain teaching activities identified in regulations prescribed by the Secretary of Defense'' after ''Defense,''; and

(2) by striking out subparagraph (C) of paragraph (2) and inserting in lieu thereof the following:

''(C) who is employed in a teaching position described in paragraph (1).''.

(b) TRANSFER OF RESPONSIBILITY FOR EMPLOYMENT AND SALARY PRACTICES.—Section 5 of such Act (20 U.S.C. 903) is amended—

(1) in subsection (a)—

(A) by striking out ''secretary of each military department in the Department of Defense'' and inserting in lieu thereof ''Secretary of Defense''; and

(B) by striking out ''his military department'' and inserting in lieu thereof ''the Department of Defense'';

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking out ''secretary of each military department—'' and inserting in lieu thereof ''Secretary of Defense—''; and

(B) in paragraph (1), by striking out ''his military department,'' and inserting in lieu thereof ''the Department of Defense'';

(3) in subsection (c)—

(A) by striking out ''Secretary of each military department'' and inserting in lieu thereof ''Secretary of Defense''; and

(B) by striking out ''his military department'' and inserting in lieu thereof ''the Department of Defense''; and

(4) in subsection (d), by striking out ''Secretary of each military department'' and inserting in lieu thereof ''Secretary of Defense''.

SEC. 1107. EMPLOYMENT AND COMPENSATION OF CIVILIAN FACULTY MEMBERS AT CERTAIN DEPARTMENT OF DEFENSE SCHOOLS.

(a) FACULTIES.—Section 1595(c) of title 10, United States Code, is amended by inserting after paragraph (3) the following new paragraph (4):

''(4) The English Language Center of the Defense Language Institute.

''(5) The Asia-Pacific Center for Security Studies.''.

(b) CERTAIN ADMINISTRATORS.—Such section 1595 is amended by adding at the end the following:

''(f) APPLICATION TO DIRECTOR AND DEPUTY DIRECTOR AT ASIA-PACIFIC CENTER FOR SECURITY STUDIES.—In the case of the Asia-Pacific Center for Security Studies, this section also applies with respect to the Director and the Deputy Director.''.

SEC. 1108. REIMBURSEMENT OF DEPARTMENT OF DEFENSE DOMESTIC DEPENDENT SCHOOL BOARD MEMBERS FOR CERTAIN EXPENSES.

Section 2164(d) of title 10, United States Code, is amended by adding at the end the following:

''(7) The Secretary may provide for reimbursement of a school board member for expenses incurred by the member for travel, transportation, program fees, and activity fees that the Secretary determines are reasonable and necessary for the performance of school board duties by the member.''.

SEC. 1109. EXTENSION OF AUTHORITY FOR CIVILIAN EMPLOYEES OF DEPARTMENT OF DEFENSE TO PARTICIPATE VOLUNTARILY IN REDUCTIONS IN FORCE.

Section 3502(f)(5) of title 5, United States Code, is amended by striking out ''September 30, 1996'' and inserting in lieu thereof ''September 30, 2001''.

SEC. 1110. COMPENSATORY TIME OFF FOR OVERTIME WORK PERFORMED BY WAGE-BOARD EMPLOYEES.

Section 5543 of title 5, United States Code, is amended by adding at the end the following:

''(c) The head of an agency may, on request of an employee, grant the employee compensatory time off from the employee's scheduled tour of duty instead of payment under section 5544 of this title or section 7 of the Fair Labor Standards Act of 1938 for an equal amount of time spent in irregular or occasional overtime work.''.

SEC. 1111. LIQUIDATION OF RESTORED ANNUAL LEAVE THAT REMAINS UNUSED UPON TRANSFER OF EMPLOYEE FROM INSTALLATION BEING CLOSED OR REALIGNED.

(a) LUMP-SUM PAYMENT REQUIRED.—Section 5551 of title 5, United States Code, is amended by adding at the end the following new subsection:

''(c)(1) Annual leave that is restored to an employee of the Department of Defense under section 6304(d) of this title by reason of the operation of paragraph (3) of such section and remains unused upon the transfer of the employee to a position described in paragraph (2) shall be liquidated by payment of a lump-sum for such leave to the employee upon the transfer.

''(2) A position referred to in paragraph (1) is a position in a department or agency of the Federal Government outside the Department of Defense or a Department of Defense position that is not located at a Department of Defense installation being closed or realigned as described in section 6304(d)(3) of this title.''.

(b) APPLICABILITY.—Subsection (c) of section 5551 of title 5, United States Code (as added by subsection (a)), shall apply with respect to transfers described in such subsection (c) that take effect on or after the date of the enactment of this Act.

SEC. 1112. WAIVER OF REQUIREMENT FOR REPAYMENT OF VOLUNTARY SEPARATION INCENTIVE PAY BY FORMER DEPARTMENT OF DEFENSE EMPLOYEES REEMPLOYED BY THE GOVERNMENT WITHOUT PAY.

Section 5597(g) of title 5, United States Code, is amended by adding at the end the following new paragraph:

''(5) If the employment is without compensation, the appointing official may waive the repayment.''.

SEC. 1113. FEDERAL HOLIDAY OBSERVANCE RULES FOR DEPARTMENT OF DEFENSE EMPLOYEES.

(a) HOLIDAYS OCCURRING ON NONWORKDAYS.—Section 6103(b) of title 5, United States Code, is amended by inserting after paragraph (2) the following new paragraph:

''(3) In the case of a full-time employee of the Department of Defense, the following rules apply:

''(A) When a legal public holiday occurs on a Sunday that is not a regular weekly workday for an employee, the employee's next workday is the legal public holiday for the employee.

''(B) When a legal public holiday occurs on a regular weekly nonworkday that is administratively scheduled for an employee instead of Sunday, the employee's next workday is the legal public holiday for the employee.

''(C) When a legal public holiday occurs on an employee's regular weekly nonworkday immediately following a regular weekly nonworkday that is administratively scheduled for the employee instead of Sunday, the employee's next workday is the legal public holiday for the employee.

''(D) When a legal public holiday occurs on an employee's regular weekly nonworkday that is not a nonworkday referred to in subparagraph (A), (B), or (C), the employee's preceding workday is the legal public holiday for the employee.

''(E) The Secretary concerned (as defined in section 101(a) of title 10) may schedule a legal public holiday for an employee to be on a different day than the one that would otherwise apply for the employee under subparagraph (A), (B), (C), or (D).

''(F) If a legal public holiday for an employee would be different under paragraph (1) or (2) than the day determined under this paragraph, the legal public holiday for the employee shall be the day that is determined under this paragraph.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 6103(b) of such title, as amended by subsection (a), is further amended—

(1) in paragraph (1), by striking out ''legal public holiday for—'' and all that follows through the period and inserting in lieu thereof ''legal public holiday for employees whose basic workweek is Monday through Friday.''; and

(2) in the matter following paragraph (3), by striking out ''This subsection, except subparagraph (B) of paragraph (1),'' and inserting in lieu thereof ''Paragraphs (1) and (2)''.

SEC. 1114. REVISION OF CERTAIN TRAVEL MANAGEMENT AUTHORITIES.

(a) REPEAL OF REQUIREMENTS RELATING TO FIRE-SAFE ACCOMMODATIONS.—(1) Section 5707 of title 5, United States Code, is amended by striking out subsection (d).

(2) Subsection (b) of section 5 of the Hotel and Motel Fire Safety Act of 1990 (Public Law 101–391; 104 Stat. 751; 5 U.S.C. 5707 note) is repealed.

(b) REPEAL OF PROHIBITION ON PAYMENT OF LODGING EXPENSES OF DEPARTMENT OF DEFENSE EMPLOYEES AND OTHER CIVILIANS WHEN ADEQUATE GOVERNMENT QUARTERS ARE AVAILABLE.—(1) Section 1589 of title 10, United States Code, is repealed.

(2) The table of sections at the beginning of chapter 81 of such title is amended by striking out the item relating to such section.

Subtitle B—Defense Economic Adjustment, Diversification, Conversion, and Stabilization

SEC. 1121. PILOT PROGRAMS FOR DEFENSE EMPLOYEES CONVERTED TO CONTRACTOR EMPLOYEES DUE TO PRIVATIZATION AT CLOSED MILITARY INSTALLATIONS.

(a) PILOT PROGRAMS AUTHORIZED.—(1) The Secretary of Defense, after consultation with the Secretary of the Navy, the Secretary of the Air Force, and the Director of the Office of Personnel Management, may establish a pilot program under which Federal retirement benefits are provided in accordance with this section to persons who convert from Federal employment in the Department of the Navy or the Department of the Air Force to employment by a Department of Defense contractor in connection with the privatization of the performance of functions at selected military installations being closed under the base closure and realignment process.

(2) The Secretary of Defense shall select the installations to be covered by a pilot program under this section.

(b) ELIGIBLE TRANSFERRED EMPLOYEES.—(1) A person is a transferred employee eligible for benefits under this section if the person is a former employee of the Department of Defense (other than a temporary employee) who—

(A) while employed by the Department of Defense in a function recommended to be privatized as part of the closure and realignment of military installations pursuant to section 2903(e) of the Defense Base Closure and Realignment Act of 1990 (title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and while covered under the Civil Service Retirement System, separated from Federal service after being notified that the employee would be separated in a reduction-in-force resulting from conversion from performance of a function by Department of Defense employees at that military installation to performance of that function by a defense contractor at that installation or in the vicinity of that installation;

(B) is employed by the defense contractor within 60 days following such separation to perform substantially the same function performed before the separation;

(C) remains employed by the defense contractor (or a successor defense contractor) or subcontractor of the defense contractor (or successor defense contractor) until attaining early deferred retirement age (unless the employment is sooner involuntarily terminated for reasons other than performance or conduct of the employee);

(D) at the time separated from Federal service, was not eligible for an immediate annuity under the Civil Service Retirement System; and

(E) does not withdraw retirement contributions under section 8342 of title 5, United States Code.

(2) A person who, under paragraph (1), would otherwise be eligible for an early deferred annuity under this section shall not be eligible for such benefits if the person received separation pay or severance pay due to a separation described in subparagraph (A) of that paragraph unless the person repays the full amount of such pay with interest (computed at a rate determined appropriate by the Director of the Office of Personnel Management) to the Department of Defense before attaining early deferred retirement age.

(c) RETIREMENT BENEFITS OF TRANSFERRED EMPLOYEES.—In the case of a transferred employee covered by a pilot program under this section, payment of a deferred annuity for which the transferred employee is eligible under section 8338(a) of title 5, United States Code, shall commence on the first day of the first month that begins after the date on which the transferred employee attains early deferred retirement age, notwithstanding the age requirement under that section.

(d) COMPUTATION OF AVERAGE PAY.—(1)(A) This paragraph applies to a transferred employee who was employed in a position classified under the General Schedule immediately before the employee's covered separation from Federal service.

(B) Subject to subparagraph (C), for purposes of computing the deferred annuity for a transferred employee referred to in subparagraph (A), the average pay of the transferred employee, computed under section 8331(4) of title 5, United States Code, as of the date of the employee's covered separation from Federal service, shall be adjusted at the same time and by the same percentage that rates of basic pay are increased under section 5303 of such title during the period beginning on that date and ending on the date on which the transferred employee attains early deferred retirement age.

(C) The average pay of a transferred employee, as adjusted under subparagraph (B), may not exceed the amount to which an annuity of the transferred employee could be increased under section 8340 of title 5, United States Code, in accordance with the limitation in subsection (g)(1) of such section (relating to maximum pay, final pay, or average pay).

(2)(A) This paragraph applies to a transferred employee who was a prevailing rate employee (as defined under section 5342(2) of title 5, United States Code) immediately before the employee's covered separation from Federal service.

(B) For purposes of computing the deferred annuity for a transferred employee referred to in subparagraph (A), the average pay of the transferred employee, computed under section 8331(4) of title 5, United States Code, as of the date of the employee's covered separation from Federal service, shall be adjusted at the same time and by the same percentage that pay rates for positions that are in the same area as, and are comparable to, the last position the transferred employee held as a prevailing rate employee, are increased under section 5343(a) of such title during the period beginning on that date and ending on the date on which the transferred employee attains early deferred retirement age.

(e) PAYMENT OF UNFUNDED LIABILITY.—(1) The military department concerned shall be liable for that portion of any estimated increase in the unfunded liability of the Civil Service Retirement and Disability Fund established under section 8348 of title 5, United States Code, which is attributable to any benefits payable from such Fund to a transferred employee, and any survivor of a transferred employee, when the increase results from—

(A) an increase in the average pay of the transferred employee under subsection (d) upon which such benefits are computed; and

(B) the commencement of an early deferred annuity in accordance with this section before the attainment of 62 years of age by the transferred employee.

(2) The estimated increase in the unfunded liability for each department referred to in paragraph (1), shall be determined by the Director of the Office of Personnel Management. In making the determination, the Director shall consider any savings to the Fund as a result of the program established under this section. The Secretary of the military department concerned shall pay the amount so determined to the Director in 10 equal annual installments with interest computed at

the rate used in the most recent valuation of the Civil Service Retirement System, with the first payment thereof due at the end of the fiscal year in which an increase in average pay under subsection (d) becomes effective.

(f) CONTRACTOR SERVICE NOT CREDITABLE.—Service performed by a transferred employee for a defense contractor after the employee's covered separation from Federal service is not creditable service for purposes of subchapter III of chapter 83 of title 5, United States Code.

(g) RECEIPT OF BENEFITS WHILE EMPLOYED BY A DEFENSE CONTRACTOR.—A transferred employee may commence receipt of an early deferred annuity in accordance with this section while continuing to work for a defense contractor.

(h) LUMP-SUM CREDIT PAYMENT.—If a transferred employee dies before attaining early deferred retirement age, such employee shall be treated as a former employee who dies not retired for purposes of payment of the lump-sum credit under section 8342(d) of title 5, United States Code.

(i) CONTINUED FEDERAL HEALTH BENEFITS COVERAGE.—Notwithstanding section 5905a(e)(1)(A) of title 5, United States Code, the continued coverage of a transferred employee for health benefits under chapter 89 of such title by reason of the application of section 8905a of such title to such employee shall terminate 90 days after the date of the employee's covered separation from Federal employment. For the purposes of the preceding sentence, a person who, except for subsection (b)(2), would be a transferred employee shall be considered a transferred employee.

(j) REPORT BY GAO.—The Comptroller General of the United States shall conduct a study of each pilot program, if any, established under this section and submit a report on the pilot program to Congress not later than two years after the date on which the program is established. The report shall contain the following:

(1) A review and evaluation of the program, including—

(A) an evaluation of the success of the privatization outcomes of the program;

(B) a comparison and evaluation of such privatization outcomes with the privatization outcomes with respect to facilities at other military installations closed or realigned under the base closure laws;

(C) an evaluation of the impact of the program on the Federal workforce and whether the program results in the maintenance of a skilled workforce for defense contractors at an acceptable cost to the military department concerned; and

(D) an assessment of the extent to which the pilot program is a cost-effective means of facilitating privatization of the performance of Federal activities.

(2) Recommendations relating to the expansion of the program to other installations and employees.

(3) Any other recommendation relating to the program.

(k) IMPLEMENTING REGULATIONS.—Not later than 30 days after the Secretary of Defense notifies the Director of the Office of Personnel Management of a decision to establish a pilot program under this section, the Director shall prescribe regulations to carry out the provisions of this section with respect to that pilot program. Before prescribing the regulations, the Director shall consult with the Secretary.

(l) DEFINITIONS.—In this section:

(1) The term ''transferred employee'' means a person who, pursuant to subsection (b), is eligible for benefits under this section.

(2) The term ''covered separation from Federal service'' means a separation from Federal service as described under subsection (b)(1)(A).

(3) The term ''Civil Service Retirement System'' means the retirement system under subchapter III of chapter 83 of title 5, United States Code.

(4) The term ''defense contractor'' means any entity that—

(A) contracts with the Department of Defense to perform a function previously performed by Department of Defense employees;

(B) performs that function at the same installation at which such function was previously performed by Department of Defense employees or in the vicinity of that installation; and

(C) is the employer of one or more transferred employees.

(5) The term ''early deferred retirement age'' means the first age at which a transferred employee would have been eligible for immediate retirement under subsection (a) or (b) of section 8336 of title 5, United States Code, if such transferred employee had remained an employee within the meaning of section 8331(1) of such title continuously until attaining such age.

(6) The term ''severance pay'' means severance pay payable under section 5595 of title 5, United States Code.

(7) The term ''separation pay'' means separation pay payable under section 5597 of title 5, United States Code.

(m) EFFECTIVE DATE.—This section shall take effect on August 1, 1996, and shall apply to covered separations from Federal service on or after that date.

SEC. 1122. TROOPS-TO-TEACHERS PROGRAM IMPROVEMENTS APPLIED TO CIVILIAN PERSONNEL.

(a) SEPARATED CIVILIAN EMPLOYEES OF THE DEPARTMENT OF DEFENSE.—(1) Subsection (a) of section 1598 of title 10, United States Code, is amended by striking out ''may establish'' and inserting in lieu thereof ''shall establish''.

(2) Subsection (d)(2) of such section is amended by striking out ''five school years'' in subparagraphs (A) and (B) and inserting in lieu thereof ''two school years''.

(b) DISPLACED DEPARTMENT OF DEFENSE CONTRACTOR EMPLOYEES.—Section 2410j(f)(2) of such title is amended by striking out ''five school years'' in subparagraphs (A) and (B) and inserting in lieu thereof ''two school years''.

(c) SAVINGS PROVISION.—The amendments made by this section do not effect obligations under agreements entered into in accordance with section 1598 or 2410j of title 10, United States Code, before the date of the enactment of this Act.

Subtitle C—Defense Intelligence Personnel

SEC. 1131. SHORT TITLE.

This subtitle may be cited as the ''Department of Defense Civilian Intelligence Personnel Reform Act of 1996''.

SEC. 1132. CIVILIAN INTELLIGENCE PERSONNEL MANAGEMENT.

Section 1590 of title 10, United States Code, is amended to read as follows:

''§ 1590. Management of civilian intelligence personnel of the Department of Defense

''(a) GENERAL PERSONNEL MANAGEMENT AUTHORITY.—The Secretary of Defense may, without regard to the provisions of any other law relating to the appointment, number, classification, or compensation of employees—

''(1) establish—

''(A) as positions in the excepted service, such defense intelligence component positions (including Intelligence Senior Level positions) as the Secretary determines necessary to carry out the intelligence functions of the defense intelligence components, but not to exceed in number the number of the defense intelligence component positions established as of January 1, 1996; and

''(B) such Intelligence Senior Executive Service positions as the Secretary determines necessary to carry out functions referred to in subparagraph (B);

''(2) appoint individuals to such positions (after taking into consideration the availability of preference eligibles for appointment to such positions); and

''(3) fix the compensation of such individuals for service in such positions.

''(b) BASIC PAY.—(1)(A) Subject to subparagraph (B) and paragraph (2), the Secretary of Defense shall fix the rates of basic pay for positions established under subsection (a) in relation to the rates of basic pay provided in subpart D of part III of title 5 for positions subject to that subpart which have corresponding levels of duties and responsibilities.

''(B) Except as otherwise provided by law, no rate of basic pay fixed under subparagraph (A) for a position established under subsection (a) may exceed—

''(i) in the case of an Intelligence Senior Executive Service position, the maximum rate provided in section 5382 of title 5;

''(ii) in the case of an Intelligence Senior Level position, the maximum rate provided in section 5382 of title 5; and

''(iii) in the case of any other defense intelligence component position, the maximum rate provided in section 5306(e) of title 5.

''(2) The Secretary of Defense may, consistent with section 5341 of title 5, adopt such provisions of that title as provide for prevailing rate systems of basic pay and may apply those provisions to positions for civilian employees in or under which the Department of Defense may employ individuals described by section 5342(a)(2)(A) of such title.

''(c) ADDITIONAL COMPENSATION, INCENTIVES, AND ALLOWANCES.—(1) Employees in defense intelligence component positions may be paid additional compensation, including benefits, incentives, and allowances, in accordance with this subsection if, and to the extent, authorized in regulations prescribed by the Secretary of Defense.

''(2) Additional compensation under this subsection shall be consistent with, and not in excess of the levels authorized for, comparable positions authorized by title 5.

''(3)(A) Employees in defense intelligence component positions, if citizens or nationals of the United States, may be paid an allowance while stationed outside the continental United States or in Alaska.

''(B) Subject to subparagraph (C), allowances under subparagraph (A) shall be based on—

''(i) living costs substantially higher than in the District of Columbia;

''(ii) conditions of environment which differ substantially from conditions of environment in the continental United States and warrant an allowance as a recruitment incentive; or

''(iii) both of the factors described in clauses (i) and (ii).

''(C) An allowance under subparagraph (A) may not exceed an allowance authorized to be paid by section 5941(a) of title 5 for employees whose rates of basic pay are fixed by statute.

''(d) INTELLIGENCE SENIOR EXECUTIVE SERVICE.—(1) The Secretary of Defense may establish an Intelligence Senior Executive Service for defense intelligence component positions established pursuant to subsection (a) that are equivalent to Senior Executive Service positions.

''(2) The Secretary of Defense shall prescribe regulations for the Intelligence Senior Executive Service which are consistent with the requirements set forth in sections 3131,

3132(a)(2), 3396(c), 3592, 3595(a), 5384, and 6304 of title 5, subsections (a), (b), and (c) of section 7543 of such title (except that any hearing or appeal to which a member of the Intelligence Senior Executive Service is entitled shall be held or decided pursuant to the regulations), and subchapter II of chapter 43 of such title. To the extent that the Secretary determines it practicable to apply to members of, or applicants for, the Intelligence Senior Executive Service other provisions of title 5 that apply to members of, or applicants for, the Senior Executive Service, the Secretary shall also prescribe regulations to implement those sections with respect to the Intelligence Senior Executive Service.

''(e) AWARD OF RANK TO MEMBERS OF THE INTELLIGENCE SENIOR EXECUTIVE SERVICE.—The President, based on the recommendations of the Secretary of Defense, may award a rank referred to in section 4507 of title 5 to members of the Intelligence Senior Executive Service whose positions may be established pursuant to this section. The awarding of such rank shall be made in a manner consistent with the provisions of that section.

''(f) INTELLIGENCE SENIOR LEVEL POSITIONS.—The Secretary of Defense may, in accordance with regulations prescribed by the Secretary, designate as an Intelligence Senior Level position any defense intelligence component position that, as determined by the Secretary—

''(1) is classifiable above grade GS–15 of the General Schedule;

''(2) does not satisfy functional or program management criteria for being designated an Intelligence Senior Executive Service position; and

''(3) has no more than minimal supervisory responsibilities.

''(g) TIME LIMITED APPOINTMENTS.—(1) The Secretary of Defense may, in regulations, authorize appointing officials to make time limited appointments to defense intelligence component positions specified in the regulations.

''(2) The Secretary of Defense shall review each time limited appointment in a defense intelligence component position at the end of the first year of the period of the appointment and determine whether the appointment should be continued for the remainder of the period. The continuation of a time limited appointment after the first year shall be subject to the approval of the Secretary.

''(3) An employee serving in a defense intelligence component position pursuant to a time limited appointment is not eligible for a permanent appointment to an Intelligence Senior Executive Service position (including a position in which serving) unless selected for the permanent appointment on a competitive basis.

''(4) In this subsection, the term 'time limited appointment' means an appointment (subject to the condition in paragraph (2)) for a period not to exceed two years.

''(h) TERMINATION OF CIVILIAN INTELLIGENCE EMPLOYEES.—(1) Notwithstanding any other provision of law, the Secretary of Defense may terminate the employment of any employee in a defense intelligence component position if the Secretary—

''(A) considers such action to be in the interests of the United States; and

''(B) determines that the procedures prescribed in other provisions of law that authorize the termination of the employment of such employee cannot be invoked in a manner consistent with the national security.

''(2) A decision by the Secretary of Defense to terminate the employment of an employee under this subsection is final and may not be appealed or reviewed outside the Department of Defense.

''(3) The Secretary of Defense shall promptly notify the Committee on National Security and the Permanent Select Committee on Intelligence of the House of Representatives and the Committee on Armed Services and the Select Committee on Intelligence of the Senate whenever the Secretary terminates the employment of any employee under the authority of this subsection.

''(4) Any termination of employment under this subsection shall not affect the right of the employee involved to seek or accept employment with any other department or agency of the United States if that employee is declared eligible for such employment by the Director of the Office of Personnel Management.

''(5) The authority of the Secretary of Defense under this subsection may be delegated only to the Deputy Secretary of Defense and the head of a defense intelligence component (with respect to employees of that component). An action to terminate employment of such an employee by any such official may be appealed to the Secretary of Defense.

''(i) REDUCTIONS AND OTHER ADJUSTMENTS IN FORCE.—(1) The Secretary of Defense, in consultation with the Director of the Office of Personnel Management, shall prescribe regulations for the separation of employees in defense intelligence component positions, including members of the Intelligence Senior Executive Service and employees in Intelligence Senior Level positions, in a reduction in force or other adjustment in force. The regulations shall apply to such a reduction in force or other adjustment in force notwithstanding sections 3501(b) and 3502 of title 5.

''(2) The regulations shall give effect to—

''(A) tenure of employment;

''(B) military preference, subject to sections 3501(a)(3) and 3502(b) of title 5;

''(C) the veteran's preference under section 3502(b) of title 5;

''(D) performance; and

''(E) length of service computed in accordance with the second sentence of section 3502(a) of title 5.

''(2) The regulations relating to removal from the Intelligence Senior Executive Service in a reduction in force or other adjustment in force shall be consistent with section 3595(a) of title 5.

''(3)(A) The regulations shall provide a right of appeal regarding a personnel action under the regulations. The appeal shall be determined within the Department of Defense. An appeal determined at the highest level provided in the regulations shall be final and not subject to review outside the Department of Defense. A personnel action covered by the regulations is not subject to any other provision of law that provides appellate rights or procedures.

''(B) Notwithstanding subparagraph (A), a preference eligible referred to in section 7511(a)(1)(B) of title 5 may appeal to the Merit Systems Protection Board any personnel action taken under the regulations. Section 7701 of title 5 shall apply to any such appeal.

''(j) APPLICABILITY OF MERIT SYSTEM PRINCIPLES.—Section 2301 of title 5 shall apply to the exercise of authority under this section.

''(k) COLLECTIVE BARGAINING AGREEMENTS.—Nothing in this section may be construed to impair the continued effectiveness of a collective bargaining agreement with respect to an agency or office that is a successor to an agency or office covered by the agreement before the succession.

''(l) NOTIFICATION OF CONGRESS.—At least 60 days before the effective date of regulations prescribed to carry out this section, the Secretary of Defense shall submit the regulations to the Committee on National Security and the Permanent Select Committee on Intelligence of the House of Representatives and the Committee on Armed Services and the Select Committee on Intelligence of the Senate.

''(m) DEFINITIONS.—In this section:

''(1) The term 'defense intelligence component position' means a position of civilian employment as an intelligence officer or employee of a defense intelligence component.

''(2) The term 'defense intelligence component' means each of the following components of the Department of Defense:

''(A) The National Security Agency.

''(B) The Defense Intelligence Agency.

''(C) The Central Imagery Office.

''(D) Any component of a military department that performs intelligence functions and is designated as a defense intelligence component by the Secretary of Defense.

''(E) Any other component of the Department of Defense that performs intelligence functions and is designated as a defense intelligence component by the Secretary of Defense.

''(F) Any successor to a component listed in, or designated pursuant to, this paragraph.

''(3) The term 'Intelligence Senior Level position' means a defense intelligence component position designated as an Intelligence Senior Level position pursuant to subsection (f).

''(4) The term 'excepted service' has the meaning given such term in section 2103 of title 5.

''(5) The term 'preference eligible' has the meaning given such term in section 2108(3) of title 5.

''(6) The term 'Senior Executive Service position' has the meaning given such term in section 3132(a)(2) of title 5.

''(7) The term 'collective bargaining agreement' has the meaning given such term in section 7103(8) of title 5.''.

SEC. 1133. REPEALS.

(a) DEFENSE INTELLIGENCE SENIOR EXECUTIVE SERVICE.—Sections 1601, 1603, and 1604 of title 10, United States Code, are repealed.

(b) NATIONAL SECURITY AGENCY PERSONNEL MANAGEMENT AUTHORITIES.—(1) Sections 2 and 4 of the National Security Agency Act of 1959 (50 U.S.C. 402 note) are repealed.

(2) Section 303 of the Internal Security Act of 1950 (50 U.S.C. 833) is repealed.

SEC. 1134. CLERICAL AMENDMENTS.

(a) AMENDED SECTION HEADING.—The item relating to section 1590 in the table of sections at the beginning of chapter 81 of title 10, United States Code, is amended to read as follows:

''1590. Management of civilian intelligence personnel of the Department of Defense.''.

(b) REPEALED SECTIONS.—The table of sections at the beginning of chapter 83 of title 10, United States Code, is amended by striking out the items relating to sections 1601, 1603, and 1604.

TITLE XII—FEDERAL CHARTER FOR THE FLEET RESERVE ASSOCIATION

SEC. 1201. RECOGNITION AND GRANT OF FEDERAL CHARTER.

The Fleet Reserve Association, a nonprofit corporation organized under the laws of the State of Delaware, is recognized as such and granted a Federal charter.

SEC. 1202. POWERS.

The Fleet Reserve Association (in this title referred to as the ''association'') shall have only those powers granted to it through its bylaws and articles of incorporation filed in the State in which it is incorporated and subject to the laws of such State.

SEC. 1203. PURPOSES.

The purposes of the association are those provided in its bylaws and articles of incorporation and shall include the following:

(1) Upholding and defending the Constitution of the United States.

(2) Aiding and maintaining an adequate naval defense for the United States.

(3) Assisting the recruitment of the best personnel available for the United States Navy, United States Marine Corps, and United States Coast Guard.

(4) Providing for the welfare of the personnel who serve in the United States Navy, United States Marine Corps, and United States Coast Guard.

(5) Continuing to serve loyally the United States Navy, United States Marine Corps, and United States Coast Guard.

(6) Preserving the spirit of shipmanship by providing assistance to shipmates and their families.

(7) Instilling love of the United States and the flag and promoting soundness of mind and body in the youth of the United States.

SEC. 1204. SERVICE OF PROCESS.

With respect to service of process, the association shall comply with the laws of the State in which it is incorporated and those States in which it carries on its activities in furtherance of its corporate purposes.

SEC. 1205. MEMBERSHIP.

Except as provided in section 1208(g), eligibility for membership in the association and the rights and privileges of members shall be as provided in the bylaws and articles of incorporation of the association.

SEC. 1206. BOARD OF DIRECTORS.

Except as provided in section 1208(g), the composition of the board of directors of the association and the responsibilities of the board shall be as provided in the bylaws and articles of incorporation of the association and in conformity with the laws of the State in which it is incorporated.

SEC. 1207. OFFICERS.

Except as provided in section 1208(g), the positions of officers of the association and the election of members to such officers shall be as provided in the bylaws and articles of incorporation of the association and in conformity with the laws of the State in which it is incorporated.

SEC. 1208. RESTRICTIONS.

(a) INCOME AND COMPENSATION.—No part of the income or assets of the association may inure to the benefit of any member, officer, or director of the association or be distributed to any such individual during the life of this charter. Nothing in this subsection may be construed to prevent the payment of reasonable compensation to the officers and employees of the association or reimbursement for actual and necessary expenses in amounts approved by the board of directors.

(b) LOANS.—The association may not make any loan to any member, officer, director, or employee of the association.

(c) ISSUANCE OF STOCK AND PAYMENT OF DIVIDENDS.—The association may not issue any shares of stock or declare or pay any dividend.

(d) FEDERAL APPROVAL.—The association may not claim the approval of the Congress or the authorization of the Federal Government for any of its activities by virtue of this title.

(e) CORPORATE STATUS.—The association shall maintain its status as a corporation organized and incorporated under the laws of the State of Delaware.

(f) CORPORATE FUNCTION.—The association shall function as an educational, patriotic, civic, historical, and research organization under the laws of the State in which it is incorporated.

(g) NONDISCRIMINATION.—In establishing the conditions of membership in the association and in determining the requirements for serving on the board of directors or as an officer of the association, the association may not discriminate on the basis of race, color, religion, sex, handicap, age, or national origin.

SEC. 1209. LIABILITY.

The association shall be liable for the acts of its officers, directors, employees, and agents whenever such individuals act within the scope of their authority.

SEC. 1210. MAINTENANCE AND INSPECTION OF BOOKS AND RECORDS.

(a) BOOKS AND RECORDS OF ACCOUNT.—The association shall keep correct and complete books and records of account and minutes of any proceeding of the association involving any of its members, the board of directors, or any committee having authority under the board of directors.

(b) NAMES AND ADDRESSES OF MEMBERS.—The association shall keep at its principal office a record of the names and addresses of all members having the right to vote in any proceeding of the association.

(c) RIGHT TO INSPECT BOOKS AND RECORDS.—All books and records of the association may be inspected by any member having the right to vote in any proceeding of the association, or by any agent or attorney of such member, for any proper purpose at any reasonable time.

(d) APPLICATION OF STATE LAW.—This section may not be construed to contravene any applicable State law.

SEC. 1211. AUDIT OF FINANCIAL TRANSACTIONS.

The first section of the Act entitled ''An Act to provide for audit of accounts of private corporations established under Federal law'', approved August 30, 1964 (36 U.S.C. 1101), is amended by adding at the end the following:

''(77) Fleet Reserve Association.''.

SEC. 1212. ANNUAL REPORT.

The association shall annually submit to Congress a report concerning the activities of the association during the preceding fiscal year. The annual report shall be submitted on the same date as the report of the audit required by reason of the amendment made in section 1211. The annual report shall not be printed as a public document.

SEC. 1213. RESERVATION OF RIGHT TO AMEND OR REPEAL CHARTER.

The right to alter, amend, or repeal this title is expressly reserved to Congress.

SEC. 1214. TAX-EXEMPT STATUS.

The association shall maintain its status as an organization exempt from taxation as provided in the Internal Revenue Code of 1986.

SEC. 1215. TERMINATION.

The charter granted in this title shall expire if the association fails to comply with any of the provisions of this title.

SEC. 1216. DEFINITION.

For purposes of this title, the term ''State'' means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the United States Virgin Islands, Guam, American Samoa, the Republic of the Marshall Islands, the Federated States Of Micronesia, the Republic of Palau, and any other territory or possession of the United States.

TITLE XIII—DEFENSE AGAINST WEAPONS OF MASS DESTRUCTION

SEC. 1301. SHORT TITLE.

This title may be cited as the ''Defense Against Weapons of Mass Destruction Act of 1996''.

SEC. 1302. FINDINGS.

Congress makes the following findings:

(1) Weapons of mass destruction and related materials and technologies are increasingly available from worldwide sources. Technical information relating to such weapons is readily available on the Internet, and raw materials for chemical, biological, and radiological weapons are widely available for legitimate commercial purposes.

(2) The former Soviet Union produced and maintained a vast array of nuclear, biological, and chemical weapons of mass destruction.

(3) Many of the states of the former Soviet Union retain the facilities, materials, and technologies capable of producing additional quantities of weapons of mass destruction.

(4) The disintegration of the former Soviet Union was accompanied by disruptions of command and control systems, deficiencies in accountability for weapons, weapons-related materials and technologies, economic hardships, and significant gaps in border control among the states of the former Soviet Union. The problems of organized crime and corruption in the states of the former Soviet Union increase the potential for proliferation of nuclear, radiological, biological, and chemical weapons and related materials.

(5) The conditions described in paragraph (4) have substantially increased the ability of potentially hostile nations, terrorist groups, and individuals to acquire weapons of mass destruction and related materials and technologies from within the states of the former Soviet Union and from unemployed scientists who worked on those programs.

(6) As a result of such conditions, the capability of potentially hostile nations and terrorist groups to acquire nuclear, radiological, biological, and chemical weapons is greater than any time in history.

(7) The President has identified North Korea, Iraq, Iran, and Libya as hostile states which already possess some weapons of mass destruction and are developing others.

(8) The acquisition or the development and use of weapons of mass destruction is well within the capability of many extremist and terrorist movements, acting independently or as proxies for foreign states.

(9) Foreign states can transfer weapons to or otherwise aid extremist and terrorist movements indirectly and with plausible deniability.

(10) Terrorist groups have already conducted chemical attacks against civilian targets in the United States and Japan, and a radiological attack in Russia.

(11) The potential for the national security of the United States to be threatened by nuclear, radiological, chemical, or biological terrorism must be taken as seriously as the risk of an attack by long-range ballistic missiles carrying nuclear weapons.

(12) There is a significant and growing threat of attack by weapons of mass destruction on targets that are not military targets in the usual sense of the term.

(13) Concomitantly, the threat posed to the citizens of the United States by nuclear, radiological, biological, and chemical weapons delivered by unconventional means is significant and growing.

(14) Mass terror may result from terrorist incidents involving nuclear, radiological, biological, or chemical materials, even if such materials are not configured as military weapons.

(15) Facilities required for production of radiological, biological, and chemical weapons are much smaller and harder to detect than nuclear weapons facilities, and biological, and chemical weapons can be deployed by alternative delivery means that are much harder to detect than long-range ballistic missiles.

(16) Such delivery systems have no assignment of responsibility, unlike ballistic missiles, for which a launch location would be unambiguously known.

(17) Covert or unconventional means of delivery of nuclear, radiological, biological, and chemical weapons, which might be preferable to foreign states and nonstate organizations, include cargo ships, passenger aircraft, commercial and private vehicles and vessels, and commercial cargo shipments routed through multiple destinations.

(18) Traditional arms control efforts assume large state efforts with detectable manufacturing programs and weapons production programs, but are ineffective in monitoring and controlling smaller, though potentially more dangerous, unconventional proliferation efforts.

(19) Conventional counterproliferation efforts would do little to detect or prevent the rapid development of a capability to suddenly manufacture several hundred chemical or biological weapons with nothing but commercial supplies and equipment.

(20) The United States lacks adequate planning and countermeasures to address the threat of nuclear, radiological, biological, and chemical terrorism.

(21) The Department of Energy has established a Nuclear Emergency Response Team which is available in case of nuclear or radiological emergencies, but no comparable units exist to deal with emergencies involving biological, or chemical weapons or related materials.

(22) State and local emergency response personnel are not adequately prepared or trained for incidents involving nuclear, radiological, biological, or chemical materials.

(23) Exercises of the Federal, State, and local response to nuclear, radiological, biological, or chemical terrorism have revealed serious deficiencies in preparedness and severe problems of coordination.

(24) The development of, and allocation of responsibilities for, effective countermeasures to nuclear, radiological, biological, or chemical terrorism in the United States requires well-coordinated participation of many Federal agencies, and careful planning by the Federal Government and State and local governments.

(25) Training and exercises can significantly improve the preparedness of State and local emergency response personnel for emergencies involving nuclear, radiological, biological, or chemical weapons or related materials.

(26) Sharing of the expertise and capabilities of the Department of Defense, which traditionally has provided assistance to Federal, State, and local officials in neutralizing, dismantling, and disposing of explosive ordnance, as well as radiological, biological, and chemical materials, can be a vital contribution to the development and deployment of countermeasures against nuclear, biological, and chemical weapons of mass destruction.

(27) The United States lacks effective policy coordination regarding the threat posed by the proliferation of weapons of mass destruction.

SEC. 1303. DEFINITIONS.

In this title:

(1) The term ''weapon of mass destruction'' means any weapon or device that is intended, or has the capability, to cause death or serious bodily injury to a significant number of people through the release, dissemination, or impact of—

(A) toxic or poisonous chemicals or their precursors;

(B) a disease organism; or

(C) radiation or radioactivity.

(2) The term ''independent states of the former Soviet Union'' has the meaning given the term in section 3 of the FREEDOM Support Act (22 U.S.C. 5801).

(3) The term ''highly enriched uranium'' means uranium enriched to 20 percent or more in the isotope U–235.

Subtitle A—Domestic Preparedness

SEC. 1311. EMERGENCY RESPONSE ASSISTANCE PROGRAM.

(a) PROGRAM REQUIRED.—(1) The Secretary of Defense shall carry out a program to provide civilian personnel of Federal, State, and local agencies with training and expert advice regarding emergency responses to a use or threatened use of a weapon of mass destruction or related materials.

(2) The President may designate the head of an agency other than the Department of Defense to assume the responsibility for carrying out the program on or after October 1, 1999, and relieve the Secretary of Defense of that responsibility upon the assumption of the responsibility by the designated official.

(3) Hereafter in this section, the official responsible for carrying out the program is referred to as the ''lead official''.

(b) COORDINATION.—In carrying out the program, the lead official shall coordinate with each of the following officials who is not serving as the lead official:

(1) The Director of the Federal Emergency Management Agency.

(2) The Secretary of Energy.

(3) The Secretary of Defense.

(4) The heads of any other Federal, State, and local government agencies that have an expertise or responsibilities relevant to emergency responses described in subsection (a)(1).

(c) ELIGIBLE PARTICIPANTS.—The civilian personnel eligible to receive assistance under the program are civilian personnel of Federal, State, and local agencies who have emergency preparedness responsibilities.

(d) INVOLVEMENT OF OTHER FEDERAL AGENCIES.—(1) The lead official may use personnel and capabilities of Federal agencies outside the agency of the lead official to provide training and expert advice under the program.

(2)(A) Personnel used under paragraph (1) shall be personnel who have special skills relevant to the particular assistance that the personnel are to provide.

(B) Capabilities used under paragraph (1) shall be capabilities that are especially relevant to the particular assistance for which the capabilities are used.

(e) AVAILABLE ASSISTANCE.—Assistance available under this program shall include the following:

(1) Training in the use, operation, and maintenance of equipment for—

(A) detecting a chemical or biological agent or nuclear radiation;

(B) monitoring the presence of such an agent or radiation;

(C) protecting emergency personnel and the public; and

(D) decontamination.

(2) Establishment of a designated telephonic link (commonly referred to as a ''hot line'') to a designated source of relevant data and expert advice for the use of State or local officials responding to emergencies involving a weapon of mass destruction or related materials.

(3) Use of the National Guard and other reserve components for purposes authorized under this section that are specified by the lead official (with the concurrence of the Secretary of Defense if the Secretary is not the lead official).

(4) Loan of appropriate equipment.

(f) LIMITATIONS ON DEPARTMENT OF DEFENSE ASSISTANCE TO LAW ENFORCEMENT AGENCIES.—Assistance provided by the Department of Defense to law enforcement agencies under this section shall be provided under the authority of, and subject to the restrictions provided in, chapter 18 of title 10, United States Code.

(g) ADMINISTRATION OF DEPARTMENT OF DEFENSE ASSISTANCE.—The Secretary of Defense shall designate an official within the Department of Defense to serve as the executive agent of the Secretary for the coordination of the provision of Department of Defense assistance under this section.

(h) FUNDING.—(1) Of the total amount authorized to be appropriated under section 301, $35,000,000 is available for the program required under this section.

(2) Of the amount available for the program pursuant to paragraph (1), $10,500,000 is available for use by the Secretary of Defense to assist the Surgeon General of the United States in the establishment of metropolitan emergency medical response teams (commonly referred to as ''Metropolitan Medical Strike Force Teams'') to provide medical services that are necessary or potentially necessary by reason of a use or threatened use of a weapon of mass destruction.

(3) The amount available for the program under paragraph (1) is in addition to any other amounts authorized to be appropriated for the program under section 301.

SEC. 1312. NUCLEAR, CHEMICAL, AND BIOLOGICAL EMERGENCY RESPONSE.

(a) DEPARTMENT OF DEFENSE.—The Secretary of Defense shall designate an official within the Department of Defense as the executive agent for—

(1) the coordination of Department of Defense assistance to Federal, State, and local officials in responding to threats involving biological or chemical weapons or related materials or technologies, including assistance in identifying, neutralizing, dismantling, and disposing of biological and chemical weapons and related materials and technologies; and

(2) the coordination of Department of Defense assistance to the Department of Energy in carrying out that department's responsibilities under subsection (b).

(b) DEPARTMENT OF ENERGY.—The Secretary of Energy shall designate an official within the Department of Energy as the executive agent for—

(1) the coordination of Department of Energy assistance to Federal, State, and local officials in responding to threats involving nuclear weapons or related materials or technologies, including assistance in identifying, neutralizing, dismantling, and disposing of nuclear weapons and related materials and technologies; and

(2) the coordination of Department of Energy assistance to the Department of Defense in carrying out that department's responsibilities under subsection (a).

(c) FUNDING.—(1)(A) Of the total amount authorized to be appropriated under section 301, $15,000,000 is available for providing assistance described in subsection (a).

(B) The amount available under subparagraph (A) for providing assistance described in subsection (a) is in addition to any other amounts authorized to be appropriated under section 301 for that purpose.

(2)(A) Of the total amount authorized to be appropriated under title XXXI, $15,000,000 is available for providing assistance described in subsection (b).

(B) The amount available under subparagraph (A) for providing assistance is in addition to any other amounts authorized to be appropriated under title XXXI for that purpose.

SEC. 1313. MILITARY ASSISTANCE TO CIVILIAN LAW ENFORCEMENT OFFICIALS IN EMERGENCY SITUATIONS INVOLVING BIOLOGICAL OR CHEMICAL WEAPONS.

(a) ASSISTANCE AUTHORIZED.—(1) The chapter 18 of title 10, United States Code, is amended by adding at the end the following:

"§ 382. Emergency situations involving chemical or biological weapons of mass destruction

''(a) IN GENERAL.— The Secretary of Defense, upon the request of the Attorney General, may provide assistance in support of Department of Justice activities relating to the enforcement of section 175 or 2332c of title 18 during an emergency situation involving a biological or chemical weapon of mass destruction. Department of Defense resources, including personnel of the Department of Defense, may be used to provide such assistance if—

''(1) the Secretary of Defense and the Attorney General jointly determine that an emergency situation exists; and

''(2) the Secretary of Defense determines that the provision of such assistance will not adversely affect the military preparedness of the United States.

''(b) EMERGENCY SITUATIONS COVERED.—As used in this section, the term 'emergency situation involving a biological or chemical weapon of mass destruction' means a circumstance involving a biological or chemical weapon of mass destruction—

''(1) that poses a serious threat to the interests of the United States; and

''(2) in which—

''(A) civilian expertise and capabilities are not readily available to provide the required assistance to counter the threat immediately posed by the weapon involved;

''(B) special capabilities and expertise of the Department of Defense are necessary and critical to counter the threat posed by the weapon involved; and

''(C) enforcement of section 175 or 2332c of title 18 would be seriously impaired if the Department of Defense assistance were not provided.

''(c) FORMS OF ASSISTANCE.—The assistance referred to in subsection (a) includes the operation of equipment (including equipment made available under section 372 of this title) to monitor, contain, disable, or dispose of the weapon involved or elements of the weapon.

''(d) REGULATIONS.—(1) The Secretary of Defense and the Attorney General shall jointly issue regulations concerning the types of assistance that may be provided under this section. Such regulations shall also describe the actions that Department of Defense personnel may take in circumstances incident to the provision of assistance under this section.

''(2)(A) Except as provided in subparagraph (B), the regulations may not authorize the following actions:

''(i) Arrest.

''(ii) Any direct participation in conducting a search for or seizure of evidence related to a violation of section 175 or 2332c of title 18.

''(iii) Any direct participation in the collection of intelligence for law enforcement purposes.

''(B) The regulations may authorize an action described in subparagraph (A) to be taken under the following conditions:

''(i) The action is considered necessary for the immediate protection of human life, and civilian law enforcement officials are not capable of taking the action.

''(ii) The action is otherwise authorized under subsection (c) or under otherwise applicable law.

''(e) REIMBURSEMENTS.—The Secretary of Defense shall require reimbursement as a condition for providing assistance under this section to the extent required under section 377 of this title.

''(f) DELEGATIONS OF AUTHORITY.—(1) Except to the extent otherwise provided by the Secretary of Defense, the Deputy Secretary of Defense may exercise the authority of the Secretary of Defense under this section. The Secretary of Defense may delegate the Secretary's authority under this section only to an Under Secretary of Defense or an Assistant Secretary of Defense and only if the Under Secretary or Assistant Secretary to whom delegated has been designated by the Secretary to act for, and to exercise the general powers of, the Secretary.

''(2) Except to the extent otherwise provided by the Attorney General, the Deputy Attorney General may exercise the authority of the Attorney General under this section. The Attorney General may delegate that authority only to the Associate Attorney General or an Assistant Attorney General and only if the Associate Attorney General or Assistant Attorney General to whom delegated has been designated by the Attorney General to act for, and to exercise the general powers of, the Attorney General.

''(g) RELATIONSHIP TO OTHER AUTHORITY.— Nothing in this section shall be construed to restrict any executive branch authority regarding use of members of the armed forces or equipment of the Department of Defense that was in effect before the date of the enactment of the National Defense Authorization Act for Fiscal Year 1997.''.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following:

''382. Emergency situations involving chemical or biological weapons of mass destruction.''.

(b) CONFORMING AMENDMENT TO CONDITION FOR PROVIDING EQUIPMENT AND FACILITIES.— Section 372(b)(1) of title 10, United States Code, is amended by adding at the end the following: ''The requirement for a determination that an item is not reasonably available from another source does not apply to assistance provided under section 382 of this title pursuant to a request of the Attorney General for the assistance.''.

(c) CONFORMING AMENDMENTS RELATING TO AUTHORITY TO REQUEST ASSISTANCE.—(1)(A) Chapter 10 of title 18, United States Code, is amended by inserting after section 175 the following:

"§ 175a. Requests for military assistance to enforce prohibition in certain emergencies

''The Attorney General may request the Secretary of Defense to provide assistance under section 382 of title 10 in support of Department of Justice activities relating to the enforcement of section 175 of this title in an emergency situation involving a biological weapon of mass destruction. The authority to make such a request may be exercised by another official of the Department of Justice in accordance with section 382(f)(2) of title 10.''.

(B) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 175 the following:

''175a. Requests for military assistance to enforce prohibition in certain emergencies.''.

(2)(A) The chapter 133B of title 18, United States Code, that relates to terrorism is amended by inserting after section 2332c the following:

"§ 2332d. Requests for military assistance to enforce prohibition in certain emergencies

''The Attorney General may request the Secretary of Defense to provide assistance under section 382 of title 10 in support of Department of Justice activities relating to the enforcement of section 2332c of this title during an emergency situation involving a chemical weapon of mass destruction. The authority to make such a request may be exercised by another official of the Department of Justice in accordance with section 382(f)(2) of title 10.''.

(B) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2332c the following:

''2332d. Requests for military assistance to enforce prohibition in certain emergencies.''.

(d) CIVILIAN EXPERTISE.—The President shall take reasonable measures to reduce the reliance of civilian law enforcement officials on Department of Defense resources to counter the threat posed by the use or potential use of biological and chemical weapons of mass destruction within the United States. The measures shall include—

(1) actions to increase civilian law enforcement expertise to counter such a threat; and

(2) actions to improve coordination between civilian law enforcement officials and other civilian sources of expertise, within and outside the Federal Government, to counter such a threat.

(e) REPORTS.—The President shall submit to Congress the following reports:

(1) Not later than 90 days after the date of the enactment of this Act, a report describing the respective policy functions and operational roles of Federal agencies in countering the threat posed by the use or potential use of biological and chemical weapons of mass destruction within the United States.

(2) Not later than one year after such date, a report describing—

(A) the actions planned to be taken to carry out subsection (d); and

(B) the costs of such actions.

(3) Not later than three years after such date, a report updating the information provided in the reports submitted pursuant to paragraphs (1) and (2), including the measures taken pursuant to subsection (d).

SEC. 1314. TESTING OF PREPAREDNESS FOR EMERGENCIES INVOLVING NUCLEAR, RADIOLOGICAL, CHEMICAL, AND BIOLOGICAL WEAPONS.

(a) EMERGENCIES INVOLVING CHEMICAL OR BIOLOGICAL WEAPONS.—(1) The Secretary of Defense shall develop and carry out a program for testing and improving the responses of Federal, State, and local agencies to emergencies involving biological weapons and related materials and emergencies involving chemical weapons and related materials.

(2) The program shall include exercises to be carried out during each of five successive fiscal years beginning with fiscal year 1997.

(3) In developing and carrying out the program, the Secretary shall coordinate with the Director of the Federal Bureau of Investigation, the Director of the Federal Emergency Management Agency, the Secretary of Energy, and the heads of any other Federal, State, and local government agencies that have an expertise or responsibilities relevant to emergencies described in paragraph (1).

(b) EMERGENCIES INVOLVING NUCLEAR AND RADIOLOGICAL WEAPONS.—(1) The Secretary of Energy shall develop and carry out a program for testing and improving the responses of Federal, State, and local agencies to emergencies involving nuclear and radiological weapons and related materials.

(2) The program shall include exercises to be carried out during each of five successive fiscal years beginning with fiscal year 1997.

(3) In developing and carrying out the program, the Secretary shall coordinate with the Director of the Federal Bureau of Investigation, the Director of the Federal Emergency Management Agency, the Secretary of Defense, and the heads of any other Federal, State, and local government agencies that have an expertise or responsibilities relevant to emergencies described in paragraph (1).

(c) ANNUAL REVISIONS OF PROGRAMS.—The official responsible for carrying out a program developed under subsection (a) or (b) shall revise the program not later than June 1 in each fiscal year covered by the program. The revisions shall include adjustments that the official determines necessary or appropriate on the basis of the lessons learned from the exercise or exercises carried out under the program in the fiscal year, including lessons learned regarding coordination problems and equipment deficiencies.

(d) OPTION TO TRANSFER RESPONSIBILITY.—(1) The President may designate the head of an agency outside the Department of Defense to assume the responsibility for carrying out the program developed under subsection (a) beginning on or after October 1, 1999, and relieve the Secretary of Defense of that responsibility upon the assumption of the responsibility by the designated official.

(2) The President may designate the head of an agency outside the Department of Energy to assume the responsibility for carrying out the program developed under subsection (b) beginning on or after October 1, 1999, and relieve the Secretary of Energy of that responsibility upon the assumption of the responsibility by the designated official.

(e) FUNDING.—(1) Of the total amount authorized to be appropriated under section 301, $15,000,000 is available for the development and execution of the programs required by this section, including the participation of State and local agencies in exercises carried out under the programs.

(2) The amount available under paragraph (1) for the development and execution of programs referred to in that paragraph is in addition to any other amounts authorized to be appropriated under section 301 for such purposes.

Subtitle B—Interdiction of Weapons of Mass Destruction and Related Materials

SEC. 1321. UNITED STATES BORDER SECURITY.

(a) PROCUREMENT OF DETECTION EQUIPMENT.—(1) Of the amount authorized to be appropriated by section 301, $15,000,000 is available for the procurement of—

(A) equipment capable of detecting the movement of weapons of mass destruction and related materials into the United States;

(B) equipment capable of interdicting the movement of weapons of mass destruction and related materials into the United States; and

(C) materials and technologies related to use of equipment described in subparagraph (A) or (B).

(2) The amount available under paragraph (1) for the procurement of items referred to in that paragraph is in addition to any other amounts authorized to be appropriated under section 301 for such purpose.

(b) AVAILABILITY OF EQUIPMENT TO COMMISSIONER OF CUSTOMS.—To the extent authorized under chapter 18 of title 10, United States Code, the Secretary of Defense may make equipment of the Department of Defense described in subsection (a), and related materials and technologies, available to the Commissioner of Customs for use in detecting and interdicting the movement of weapons of mass destruction into the United States.

SEC. 1322. NONPROLIFERATION AND COUNTERPROLIFERATION RESEARCH AND DEVELOPMENT.

(a) ACTIVITIES AUTHORIZED.—The Secretary of Defense and the Secretary of Energy are each authorized to carry out research on and development of technical means for detecting the presence, transportation, production, and use of weapons of mass destruction and technologies and materials that are precursors of weapons of mass destruction.

(b) FUNDING.—(1)(A) There is authorized to be appropriated for the Department of Defense for fiscal year 1997, $10,000,000 for research and development carried out by the Secretary of Defense pursuant to subsection (a).

(B) The amount authorized to be appropriated for research and development under subparagraph (A) is in addition any other amounts that are authorized to be appropriated under this Act for such research and development, including funds authorized to be appropriated for research and development relating to nonproliferation of weapons of mass destruction.

(2)(A) Of the total amount authorized to be appropriated under title XXXI, $19,000,000 is available for research and development carried out by the Secretary of Energy pursuant to subsection (a).

(B) The amount available under subparagraph (B) is in addition to any other amount authorized to be appropriated under title XXXI for such research and development.

SEC. 1323. INTERNATIONAL EMERGENCY ECONOMIC POWERS ACT.

Section 203 of the International Emergency Economic Powers Act (50 U.S.C. 1702) is amended—

(1) in subsection (a)(1)(B), by striking out ''importation or exportation of,'' and inserting in lieu thereof ''importation, exportation, or attempted importation or exportation of,''; and

(2) in subsection (b)(3), by striking out ''importation from any country, or the exportation'' and inserting in lieu thereof ''importation or attempted importation from any country, or the exportation or attempted exportation''.

SEC. 1324. CRIMINAL PENALTIES.

It is the sense of Congress that—

(1) the sentencing guidelines prescribed by the United States Sentencing Commission for the offenses of importation, attempted importation, exportation, and attempted exportation of nuclear, biological, and chemical weapons materials constitute inadequate punishment for such offenses; and

(2) Congress urges the United States Sentencing Commission to revise the relevant sentencing guidelines to provide for increased penalties for offenses relating to importation, attempted importation, exportation, and attempted exportation of nuclear, biological, or chemical weapons or related materials or technologies under—

(A) section 11 of the Export Administration Act of 1979 (50 U.S.C. App. 2410);

(B) sections 38 and 40 the Arms Export Control Act (22 U.S.C. 2778 and 2780);

(C) the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.); and

(D) section 309(c) of the Nuclear Non-Proliferation Act of 1978 (22 U.S.C. 2156a(c).

SEC. 1325. INTERNATIONAL BORDER SECURITY.

(a) SECRETARY OF DEFENSE RESPONSIBILITY.—The Secretary of Defense, in consultation and cooperation with the Commissioner of Customs, shall carry out programs for assisting customs officials and border guard officials in the independent states of the former Soviet Union, the Baltic states, and other countries of Eastern Europe in preventing unauthorized transfer and transportation of nuclear, biological, and chemical weapons and related materials. Training, expert advice, maintenance of equipment, loan of equipment, and audits may be provided under or in connection with the programs.

(b) FUNDING.—(1) Of the total amount authorized to be appropriated by section 301, $15,000,000 is available for carrying out the programs referred to in subsection (a).

(2) The amount available under paragraph (1) for programs referred to in that paragraph is in addition to any other amounts authorized to be appropriated under section 301 for such programs.

Subtitle C—Control and Disposition of Weapons of Mass Destruction and Related Materials Threatening the United States

SEC. 1331. PROTECTION AND CONTROL OF MATERIALS CONSTITUTING A THREAT TO THE UNITED STATES.

(a) DEPARTMENT OF ENERGY PROGRAM.—Subject to subsection (c)(1), the Secretary of Energy may, under materials protection, control, and accounting assistance of the Department of Energy, provide assistance for securing from theft or other unauthorized disposition nuclear materials that are not so secured and are located at any site within the former Soviet Union where effective controls for securing such materials are not in place.

(b) DEPARTMENT OF DEFENSE PROGRAM.—Subject to subsection (c)(2), the Secretary of Defense may provide materials protection, control, and accounting assistance under the Cooperative Threat Reduction Programs of the Department of Defense for securing from theft or other unauthorized disposition, or for destroying, nuclear, radiological, biological, or chemical weapons (or related materials) that are not so secure and are located at any site within the former Soviet Union where effective controls for securing such weapons are not in place.

(c) FUNDING.—(1)(A) Of the total amount authorized to be appropriated under title XXXI, $15,000,000 is available for materials protection, control, and accounting assistance of the Department of Energy for providing assistance under subsection (a).

(B) The amount available under subparagraph (A) is in addition to any other funds that are authorized to be appropriated under title XXXI for materials protection, control, and accounting assistance of the Department of Energy.

(2)(A) Of the total amount authorized to be appropriated under section 301, $10,000,000 is available for the Cooperative Threat Reduction Programs of the Department of Defense for providing materials protection, control, and accounting assistance under subsection (b).

(B) The amount available under subparagraph (A) is in addition to any other funds that are authorized to be appropriated by section 301 for materials protection, control, and accounting assistance of the Department of Defense.

SEC. 1332. VERIFICATION OF DISMANTLEMENT AND CONVERSION OF WEAPONS AND MATERIALS.

(a) FUNDING FOR COOPERATIVE ACTIVITIES FOR DEVELOPMENT OF TECHNOLOGIES.—Of the total amount authorized to be appropriated under title XXXI, $10,000,000 is available for continuing and expediting cooperative activities with the Government of Russia to develop and deploy—

(1) technologies for improving verification of nuclear warhead dismantlement;

(2) technologies for converting plutonium from weapons into forms that—

(A) are better suited for long-term storage than are the forms from which converted;

(B) facilitate verification; and

(C) are suitable for nonweapons use; and

(3) technologies that promote openness in Russian production, storage, use, and final and interim disposition of weapon-usable fissible material, including at tritium/isotope production reactors, uranium enrichment plants, chemical separation plants, and fabrication facilities associated with naval and civil research reactors.

(b) WEAPONS-USABLE FISSILE MATERIALS TO BE COVERED BY COOPERATIVE THREAT REDUCTION PROGRAMS ON ELIMINATION OR TRANSPORTATION OF NUCLEAR WEAPONS.—Section 1201(b)(1) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 469; 22 U.S.C. 5955

note) is amended by inserting ''fissile material suitable for use in nuclear weapons,'' after ''other weapons''.

SEC. 1333. ELIMINATION OF PLUTONIUM PRODUCTION.

(a) REPLACEMENT PROGRAM.—The Secretary of Defense, in consultation with the Secretary of Energy, shall develop a cooperative program with the Government of Russia to eliminate the production of weapons grade plutonium by modifying or replacing the reactor cores at Tomsk–7 and Krasnoyarsk–26 with reactor cores that are less suitable for the production of weapons-grade plutonium.

(b) PROGRAM REQUIREMENTS.—(1) The program shall be designed to achieve completion of the modifications or replacements of the reactor cores within three years after the modification or replacement activities under the program are begun.

(2) The plan for the program shall—

(A) specify—

(i) successive steps for the modification or replacement of the reactor cores; and

(ii) clearly defined milestones to be achieved; and

(B) include estimates of the costs of the program.

(c) SUBMISSION OF PROGRAM PLAN TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress—

(1) a plan for the program under subsection (a);

(2) an estimate of the United States funding that is necessary for carrying out the activities under the program for each fiscal year covered by the program; and

(3) a comparison of the benefits of the program with the benefits of other nonproliferation programs.

(d) FUNDING FOR INITIAL PHASE.—(1) Of the total amount authorized to be appropriated by section 301 other than for Cooperative Threat Reduction programs, $16,000,000 is available for the initial phase of the program under subsection (a).

(2) The amount available for the initial phase of the reactor modification or replacement program under paragraph (1) is in addition to amounts authorized to be appropriated for Cooperative Threat Reduction programs under section 301(20).

SEC. 1334. INDUSTRIAL PARTNERSHIP PROGRAMS TO DEMILITARIZE WEAPONS OF MASS DESTRUCTION PRODUCTION FACILITIES.

(a) DEPARTMENT OF ENERGY PROGRAM.—The Secretary of Energy shall expand the Industrial Partnership Program of the Department of Energy to include coverage of all of the independent states of the former Soviet Union.

(b) DEPARTMENT OF DEFENSE PROGRAM.—The Secretary of Defense shall establish a program to support the dismantlement or conversion of the biological and chemical weapons facilities in the independent states of the former Soviet Union to uses for nondefense purposes. The Secretary may carry out such program in conjunction with, or separately from, the organization designated as the Defense Enterprise Fund (formerly designated as the ''Demilitarization Enterprise Fund'' under section 1204 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 22 U.S.C. 5953)).

(c) FUNDING FOR DEPARTMENT OF DEFENSE PROGRAM.—(1)(A) Of the total amount authorized to be appropriated under section 301, $15,000,000 is available for the program under subsection (b).

(B) The amount available under subparagraph (A) for the industrial partnership program of the Department of Defense established pursuant to subsection (b) is in addition to the amount authorized to be appropriated for Cooperative Threat Reduction programs under section 301.

(2) It is the sense of Congress that the Secretary of Defense should transfer to the Defense Enterprise Fund, $20,000,000 out of the funds appropriated for Cooperative Threat Reduction programs for fiscal years before fiscal year 1997 that remain available for obligation.

SEC. 1335. LAB-TO-LAB PROGRAM TO IMPROVE THE SAFETY AND SECURITY OF NUCLEAR MATERIALS.

(a) PROGRAM EXPANSION AUTHORIZED.—The Secretary of Energy is authorized to expand the Lab-to-Lab program of the Department of Energy to improve the safety and security of nuclear materials in the independent states of the former Soviet Union where the Lab-to-Lab program is not being carried out on the date of the enactment of this Act.

(b) FUNDING.—(1) Of the total amount authorized to be appropriated under title XXXI, $20,000,000 is available for expanding the Lab-to-Lab program as authorized under subsection (a).

(2) The amount available under paragraph (1) is in addition to any other amount otherwise available for the Lab-to-Lab program.

SEC. 1336. COOPERATIVE ACTIVITIES ON SECURITY OF HIGHLY ENRICHED URANIUM USED FOR PROPULSION OF RUSSIAN SHIPS.

(a) RESPONSIBLE UNITED STATES OFFICIAL.—The Secretary of Energy shall be responsible for carrying out United States cooperative activities with the Government of the Russian Federation on improving the security of highly enriched uranium that is used for propulsion of Russian military and civilian ships.

(b) PLAN REQUIRED.—(1) The Secretary shall develop and periodically update a plan for the cooperative activities referred to in subsection (a).

(2) The Secretary shall coordinate the development and updating of the plan with the Secretary of Defense. The Secretary of Defense shall involve the Joint Chiefs of Staff in the coordination.

(c) FUNDING.—(1) Of the total amount authorized to be appropriated by title XXXI, $6,000,000 is available for materials protection, control, and accounting program of the Department of Energy for the cooperative activities referred to in subsection (a).

(2) The amount available for the Department of Energy for materials protection, control, and accounting program under paragraph (1) is in addition to other amounts authorized to be appropriated by title XXXI for such program.

SEC. 1337. MILITARY-TO-MILITARY RELATIONS.

(a) FUNDING.—Of the total amount authorized to be appropriated under section 301, $2,000,000 is available for expanding military-to-military programs of the United States that focus on countering the threats of proliferation of weapons of mass destruction so as to include the security forces of independent states of the former Soviet Union, particularly states in the Caucasus region and Central Asia.

(b) RELATIONSHIP TO OTHER FUNDING AUTHORITY.—The amount available for expanding military-to-military programs under subsection (a) is in addition to the amount authorized to be appropriated for Cooperative Threat Reduction programs under section 301.

SEC. 1338. TRANSFER AUTHORITY.

(a) SECRETARY OF DEFENSE.—(1) To the extent provided in appropriations Acts, the Secretary of Defense may transfer amounts appropriated pursuant to this subtitle for the Department of Defense for programs and authorities under this subtitle to appropriations available for programs authorized under subtitle A.

(2) Amounts so transferred shall be merged with the appropriations to which transferred and shall be available for the programs for which the amounts are transferred.

(3) The transfer authority under paragraph (1) is in addition to any other transfer authority provided by this Act.

(b) SECRETARY OF ENERGY.—(1) To the extent provided in appropriations Acts, the Secretary of Energy may transfer amounts appropriated pursuant to this subtitle for the Department of Energy for programs and authorities under this subtitle to appropriations available for programs authorized under subtitle A.

(2) Amounts so transferred shall be merged with the appropriations to which transferred and shall be available for the programs for which the amounts are transferred.

(3) The transfer authority under paragraph (1) is in addition to any other transfer authority provided by this Act.

Subtitle D—Coordination of Policy and Countermeasures Against Proliferation of Weapons of Mass Destruction

SEC. 1341. NATIONAL COORDINATOR ON NONPROLIFERATION.

(a) DESIGNATION OF POSITION.—The President shall designate an individual to serve in the Executive Office of the President as the National Coordinator for Nonproliferation Matters.

(b) DUTIES.—The Coordinator shall have the following responsibilities:

(1) To be the principal adviser to the President on nonproliferation of weapons of mass destruction, including issues related to terrorism, arms control, and international organized crime.

(2) To chair the Committee on Nonproliferation established under section 1342.

(3) To take such actions as are necessary to ensure that there is appropriate emphasis in, cooperation on, and coordination of, nonproliferation research efforts of the United States, including activities of Federal agencies as well as activities of contractors funded by the Federal Government.

(c) RELATIONSHIP TO CERTAIN SENIOR DIRECTORS OF NATIONAL SECURITY COUNCIL.—(1) The senior directors of the National Security Council report to the Coordinator regarding the following matters:

(A) Nonproliferation of weapons of mass destruction and related issues.

(B) Management of crises involving use or threatened use of weapons of mass destruction, and on management of the consequences of the use or threatened use of such a weapon.

(C) Terrorism, arms control, and organized crime issues that relate to the threat of proliferation of weapons of mass destruction.

(2) Nothing in paragraph (1) shall be construed to affect the reporting relationship between a senior director and the Assistant to the President for National Security Affairs or any other supervisor regarding matters other than matters described in paragraph (1).

(d) ALLOCATION OF FUNDS.—Of the total amount authorized to be appropriated under section 201, $2,000,000 is available for carrying out research referred to in subsection (b)(3). Such amount is in addition to any other amounts authorized to be appropriated under section 201 for such purpose.

SEC. 1342. NATIONAL SECURITY COUNCIL COMMITTEE ON NONPROLIFERATION.

(a) ESTABLISHMENT.—The Committee on Nonproliferation (in this section referred to as the ''Committee'') is established as a committee of the National Security Council.

(b) MEMBERSHIP.—(1) The Committee shall be composed of the following:

(A) The Secretary of State.

(B) The Secretary of Defense.

(C) The Director of Central Intelligence.

(D) The Attorney General.

(E) The Secretary of Energy.

(F) The Administrator of the Federal Emergency Management Agency.

(G) The Secretary of the Treasury.

(H) The Secretary of Commerce.

(I) Such other members as the President may designate.

(2) The National Coordinator for Nonproliferation Matters shall chair the Committee on Nonproliferation.

(c) RESPONSIBILITIES.—The Committee has the following responsibilities:

(1) To review and coordinate Federal programs, policies, and directives relating to the proliferation of weapons of mass destruction and related materials and technologies, including matters relating to terrorism and international organized crime.

(2) To make recommendations to the President regarding the following:

(A) Integrated national policies for countering the threats posed by weapons of mass destruction.

(B) Options for integrating Federal agency budgets for countering such threats.

(C) Means to ensure that the Federal, State, and local governments have adequate capabilities to manage crises involving nuclear, radiological, biological, or chemical weapons or related materials or technologies, and to manage the consequences of a use of such a weapon or related materials or technologies, and that use of those capabilities is coordinated.

(D) Means to ensure appropriate cooperation on, and coordination of, the following:

(i) Preventing the smuggling of weapons of mass destruction and related materials and technologies.

(ii) Promoting domestic and international law enforcement efforts against proliferation-related efforts.

(iii) Countering the involvement of organized crime groups in proliferation-related activities.

(iv) Safeguarding weapons of mass destruction materials and related technologies.

(v) Improving coordination and cooperation among intelligence activities, law enforcement, and the Departments of Defense, State, Commerce, and Energy in support of nonproliferation and counterproliferation efforts.

(vi) Ensuring the continuation of effective export controls over materials and technologies that can contribute to the acquisition of weapons of mass destruction.

(vii) Reducing proliferation of weapons of mass destruction and related materials and technologies.

SEC. 1343. COMPREHENSIVE PREPAREDNESS PROGRAM.

(a) PROGRAM REQUIRED.—The President, acting through the Committee on Nonproliferation established under section 1342, shall develop a comprehensive program for carrying out this title.

(b) CONTENT OF PROGRAM.—The program set forth in the report shall include specific plans as follows:

(1) Plans for countering proliferation of weapons of mass destruction and related materials and technologies.

(2) Plans for training and equipping Federal, State, and local officials for managing a crisis involving a use or threatened use of a weapon of mass destruction, including the consequences of the use of such a weapon.

(3) Plans for providing for regular sharing of information among intelligence, law enforcement, and customs agencies.

(4) Plans for training and equipping law enforcement units, customs services, and border security personnel to counter the smuggling of weapons of mass destruction and related materials and technologies.

(5) Plans for establishing appropriate centers for analyzing seized nuclear, radiological, biological, and chemical weapons, and related materials and technologies.

(6) Plans for establishing in the United States appropriate legal controls and authorities relating to the exporting of nuclear, radiological, biological, and chemical weapons, and related materials and technologies.

(7) Plans for encouraging and assisting governments of foreign countries to implement and enforce laws that set forth appropriate penalties for offenses regarding the smuggling of weapons of mass destruction and related materials and technologies.

(8) Plans for building the confidence of the United States and Russia in each other's controls over United States and Russian nuclear weapons and fissile materials, including plans for verifying the dismantlement of nuclear weapons.

(9) Plans for reducing United States and Russian stockpiles of excess plutonium, reflecting—

(A) consideration of the desirability and feasibility of a United States-Russian agreement governing fissile material disposition and the specific technologies and approaches to be used for disposition of excess plutonium; and

(B) an assessment of the options for United States cooperation with Russia in the disposition of Russian plutonium.

(10) Plans for studying the merits and costs of establishing a global network of means for detecting and responding to terroristic or other criminal use of biological agents against people or other forms of life in the United States or any foreign country.

(c) REPORT.—(1) At the same time that the President submits the budget for fiscal year 1998 to Congress pursuant to section 1105(a) of title 31, United States Code, the President shall submit to Congress a report that sets forth the comprehensive program developed under subsection (a).

(2) The report shall include the following:

(A) The specific plans for the program that are required under subsection (b).

(B) Estimates of the funds necessary for carrying out such plans in fiscal year 1998.

(3) The report shall be in an unclassified form. If there is a classified version of the report, the President shall submit the classified version at the same time.

SEC. 1344. TERMINATION.

After September 30, 1999, the President—

(1) is not required to maintain a National Coordinator for Nonproliferation Matters under section 1341; and

(2) may terminate the Committee on Nonproliferation established under section 1342.

Subtitle E—Miscellaneous

SEC. 1351. CONTRACTING POLICY.

It is the sense of Congress that the Secretary of Defense, the Secretary of Energy, the Secretary of the Treasury, and the Secretary of State—

(1) in the administration of funds available to such officials in accordance with this title, should (to the extent possible under law) contract directly with suppliers in independent states of the former Soviet Union to facilitate the purchase of goods and services necessary to carry out effectively the programs and authorities provided or referred to in subtitle C; and

(2) to do so should seek means, consistent with law, to utilize innovative contracting approaches to avoid delay and increase the effectiveness of such programs and of the exercise of such authorities.

SEC. 1352. TRANSFERS OF ALLOCATIONS AMONG COOPERATIVE THREAT REDUCTION PROGRAMS.

(a) FINDINGS.—Congress makes the following findings:

(1) The various Cooperative Threat Reduction programs are being carried out at different rates in the various countries covered by such programs.

(2) It is necessary to authorize transfers of funding allocations among the various programs in order to maximize the effectiveness of United States efforts under such programs.

(b) TRANSFERS AUTHORIZED.—Funds appropriated for the purposes set forth in subsection (a) of section 1202 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 409) may be used for any such purpose without regard to the allocation set forth in that section and without regard to subsection (b) of such section.

SEC. 1353. ADDITIONAL CERTIFICATIONS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Cooperative Threat Reduction programs and other United States programs that are derived from programs established under the Former Soviet Union Demilitarization Act of 1992 (title XIV of Public Law 102–484; 22 U.S.C. 2901 et seq.) should be expanded by offering assistance under those programs to other independent states of the former Soviet Union in addition to Russia, Ukraine, Kazakstan, and Belarus; and

(2) the President should offer assistance to additional independent states of the former Soviet Union in each case in which the participation of such states would benefit national security interests of the United States by improving border controls and safeguards over materials and technology associated with weapons of mass destruction.

(b) EXTENSION OF COVERAGE.—Assistance under programs referred to in subsection (a) may, notwithstanding any other provision of law, be extended to include an independent state of the former Soviet Union if the President certifies to Congress that it is in the national interests of the United States to extend the assistance to that state.

SEC. 1354. PURCHASE OF LOW-ENRICHED URANIUM DERIVED FROM RUSSIAN HIGHLY ENRICHED URANIUM.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the allies of the United States and other nations should participate in efforts to ensure that stockpiles of weapons-grade nuclear material are reduced.

(b) ACTIONS BY THE SECRETARY OF STATE.—Congress urges the Secretary of State to encourage, in consultation with the Secretary of Energy, other countries to purchase low-enriched uranium that is derived from highly enriched uranium extracted from Russian nuclear weapons.

SEC. 1355. PURCHASE, PACKAGING, AND TRANSPORTATION OF FISSILE MATERIALS AT RISK OF THEFT.

It is the sense of Congress that—

(1) the Secretary of Defense, the Secretary of Energy, the Secretary of the Treasury, and the Secretary of State should purchase, package, and transport to secure locations weapons-grade nuclear materials from a stockpile of such materials if such officials determine that—

(A) there is a significant risk of theft of such materials; and

(B) there is no reasonable and economically feasible alternative for securing such materials; and

(2) if it is necessary to do so in order to secure the materials, the materials should be imported into the United States, subject to the laws and regulations that are applicable to the importation of such materials into the United States.

SEC. 1356. REDUCTIONS IN AUTHORIZATION OF APPROPRIATIONS.

(a) NAVY RDT&E.—(1) The total amount authorized to be appropriated under section 201(2) is reduced by $150,000,000.

(2) The reduction in paragraph (1) shall be applied to reduce by $150,000,000 the amount authorized to be appropriated under section 201(2) for the Distributed Surveillance System.

(b) OPERATIONS AND MAINTENANCE, DEFENSE-WIDE.—The total amount authorized to be appropriated under section 301(5) is reduced by $85,000,000.

TITLE XIV—FEDERAL EMPLOYEE TRAVEL REFORM

SEC. 1401. SHORT TITLE.

This title may be cited as the ''Travel Reform and Savings Act of 1996''.

Subtitle A—Relocation Benefits

SEC. 1411. MODIFICATION OF ALLOWANCE FOR SEEKING PERMANENT RESIDENCE QUARTERS.

Section 5724a of title 5, United States Code, is amended to read as follows:

''§ 5724a. Relocation expenses of employees transferred or reemployed

''(a) An agency shall pay to or on behalf of an employee who transfers in the interest of the Government, a per diem allowance or the actual subsistence expenses, or a combination thereof, of the immediate family of the employee for en route travel of the immediate family between the employee's old and new official stations.

''(b)(1) An agency may pay to or on behalf of an employee who transfers in the interest of the Government between official stations located within the United States—

''(A) the expenses of transportation, and either a per diem allowance or the actual subsistence expenses, or a combination thereof, of the employee and the employee's spouse for travel to seek permanent residence quarters at a new official station; or

''(B) the expenses of transportation, and an amount for subsistence expenses in lieu of a per diem allowance or the actual subsistence expenses or a combination thereof, authorized in subparagraph (A) of this paragraph.

''(2) Expenses authorized under this subsection may be allowed only for one round trip in connection with each change of station of the employee.''.

SEC. 1412. MODIFICATION OF TEMPORARY QUARTERS SUBSISTENCE EXPENSES ALLOWANCE.

Section 5724a of title 5, United States Code, is further amended by adding at the end the following new subsection:

''(c)(1) An agency may pay to or on behalf of an employee who transfers in the interest of the Government—

''(A) actual subsistence expenses of the employee and the employee's immediate family for a period of up to 60 days while occupying temporary quarters when the new official station is located within the United States as defined in subsection (d) of this section; or

''(B) an amount for subsistence expenses instead of the actual subsistence expenses authorized in subparagraph (A) of this paragraph.

''(2) The period authorized in paragraph (1) of this subsection for payment of expenses for residence in temporary quarters may be extended up to an additional 60 days if the head of the agency concerned or the designee of such head of the agency determines that there are compelling reasons for the continued occupancy of temporary quarters.

''(3) The regulations implementing paragraph (1)(A) shall prescribe daily rates and amounts for subsistence expenses per individual.''.

SEC. 1413. MODIFICATION OF RESIDENCE TRANSACTION EXPENSES ALLOWANCE.

(a) EXPENSES OF SALE.—Section 5724a of title 5, United States Code, is further amended by adding at the end the following new subsection:

''(d)(1) An agency shall pay to or on behalf of an employee who transfers in the interest of the Government, expenses of the sale of the residence (or the settlement of an unexpired lease) of the employee at the old official station and purchase of a residence at the new official station that are required to be paid by the employee, when the old and new official stations are located within the United States.

''(2) An agency shall pay to or on behalf of an employee who transfers in the interest of the Government from a post of duty located outside the United States to an official station within the United States (other than the official station within the United States from which the employee was transferred when assigned to the foreign tour of duty)—

''(A) expenses required to be paid by the employee of the sale of the residence (or the settlement of an unexpired lease) of the employee at the old official station from which the employee was transferred when the employee was assigned to the post of duty located outside the United States; and

''(B) expenses required to be paid by the employee of the purchase of a residence at the new official station within the United States.

''(3) Reimbursement of expenses under paragraph (2) of this subsection shall not be allowed for any sale (or settlement of an unexpired lease) or purchase transaction that occurs prior to official notification that the employee's return to the United States would be to an official station other than the official station from which the employee was transferred when assigned to the post of duty outside the United States.

''(4) Reimbursement for brokerage fees on the sale of the residence and other expenses under this subsection may not exceed those customarily charged in the locality where the residence is located.

''(5) Reimbursement may not be made under this subsection for losses incurred by the employee on the sale of the residence.

''(6) This subsection applies regardless of whether title to the residence or the unexpired lease is—

''(A) in the name of the employee alone;

''(B) in the joint names of the employee and a member of the employee's immediate family; or

''(C) in the name of a member of the employee's immediate family alone.

''(7)(A) In connection with the sale of the residence at the old official station, reimbursement under this subsection shall not exceed 10 percent of the sale price.

''(B) In connection with the purchase of a residence at the new official station, reimbursement under this subsection shall not exceed 5 percent of the purchase price.

''(8) For purposes of this subsection, the term 'United States' means the several States of the United States, the District of Columbia, the territories and possessions of the United States, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and the areas and installations in the Republic of Panama made available to the United States pursuant to the Panama Canal Treaty of 1977 and related agreements (as described in section 3(a) of the Panama Canal Act of 1979).''.

(b) RELOCATION SERVICES.—Section 5724c of title 5, United State Code, is amended to read as follows:

''§ 5724c. Relocation services

''Under regulations prescribed under section 5737, each agency may enter into contracts to provide relocation services to agencies and employees for the purpose of carrying out this subchapter. An agency may pay a fee for such services. Such services include arranging for the purchase of a transferred employee's residence.''.

SEC. 1414. AUTHORITY TO PAY FOR PROPERTY MANAGEMENT SERVICES.

Section 5724a of title 5, United States Code, is further amended—

(1) in subsection (d) (as added by section 1413 of this title)—

(A) by redesignating paragraph (8) as paragraph (9); and

(B) by inserting after paragraph (7) the following new paragraph:

''(8) An agency may pay to or on behalf of an employee who transfers in the interest of the Government, expenses of property management services when the agency determines that such transfer is advantageous and cost-effective to the Government, instead of expenses under paragraph (2) or (3) of this subsection, for sale of the employee's residence.''; and

(2) by adding at the end the following new subsection:

''(e) An agency may pay to or on behalf of an employee who transfers in the interest of the Government, the expenses of property management services when the employee transfers to a post of duty outside the United States as defined in subsection (d) of this section. Such payment shall terminate upon return of the employee to an official station within the United States as defined in subsection (d) of this section.''.

SEC. 1415. AUTHORITY TO TRANSPORT A PRIVATELY OWNED MOTOR VEHICLE WITHIN THE CONTINENTAL UNITED STATES.

(a) IN GENERAL.—Section 5727 of title 5, United States Code, is amended—

(1) by redesignating subsections (c) through (e) as subsections (d) through (f), respectively;

(2) by inserting after subsection (b) the following new subsection:

''(c) Under regulations prescribed under section 5737, the privately owned motor vehicle or vehicles of an employee, including a new appointee or a student trainee for whom travel and transportation expenses are authorized under section 5723, may be transported at Government expense to a new official station of the employee when the agency determines that such transport is advantageous and cost-effective to the Government.''; and

(3) in subsection (e) (as so redesignated), by striking ''subsection (b) of this section'' and by inserting ''subsection (b) or (c) of this section''.

(b) AVAILABILITY OF APPROPRIATIONS.—(1) Section 5722(a) of title 5, United States Code, is amended—

(A) by striking ''and'' at the end of paragraph (1);

(B) by striking the period at the end of paragraph (2) and inserting ''; and''; and

(C) by adding at the end the following:

''(3) the expenses of transporting a privately owned motor vehicle to the extent authorized under section 5727(c).''.

(2) Section 5723(a) of title 5, United States Code, is amended—

(A) by striking ''and'' at the end of paragraph (1);

(B) by inserting ''and'' after the semicolon at the end of paragraph (2); and

(C) by adding at the end the following:

''(3) the expenses of transporting a privately owned motor vehicle to the extent authorized under section 5727(c);''.

SEC. 1416. AUTHORITY TO PAY LIMITED RELOCATION ALLOWANCES TO AN EMPLOYEE WHO IS PERFORMING AN EXTENDED ASSIGNMENT.

(a) IN GENERAL.—Subchapter II of chapter 57 of title 5, United States Code, is amended by adding at the end the following new section:

"§ 5736. Relocation expenses of an employee who is performing an extended assignment

''(a) Under regulations prescribed under section 5737, an agency may pay to or on behalf of an employee assigned from the employee's official station to a duty station for a period of no less than 6 months and no greater than 30 months, the following expenses in lieu of payment of expenses authorized under subchapter I of this chapter:

''(1) Travel expenses to and from the assignment location in accordance with section 5724.

''(2) Transportation expenses of the immediate family and household goods and personal effects to and from the assignment location in accordance with section 5724.

''(3) A per diem allowance for the employee's immediate family to and from the assignment location in accordance with section 5724a(a).

''(4) Travel and transportation expenses of the employee and spouse to seek residence quarters at the assignment location in accordance with section 5724a(b).

''(5) Subsistence expenses of the employee and the employee's immediate family while occupying temporary quarters upon commencement and termination of the assignment in accordance with section 5724a(c).

''(6) An amount, in accordance with section 5724a(g), to be used by the employee for miscellaneous expenses.

''(7) The expenses of transporting a privately owned motor vehicle or vehicles to the assignment location in accordance with section 5727.

''(8) An allowance as authorized under section 5724b of this title for Federal, State, and local income taxes incurred on reimbursement of expenses paid under this section or on services provided in kind under this section.

''(9) Expenses of nontemporary storage of household goods and personal effects as defined in section 5726(a). The weight of the household goods and personal effects stored under this subsection, together with the weight of property transported under section 5724(a), may not exceed the total maximum weight which could be transported in accordance with section 5724(a).

''(10) Expenses of property management services.

''(b) An agency shall not make payment under this section to or on behalf of the employee for expenses incurred after termination of the temporary assignment.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 57 of title 5, United States Code, is amended by inserting after the item relating to section 5735 the following new item:

''5736. Relocation expenses of an employee who is performing an extended assignment.''.

SEC. 1417. AUTHORITY TO PAY A HOME MARKETING INCENTIVE.

(a) IN GENERAL.—Subchapter IV of chapter 57 of title 5, United States Code, is amended by adding at the end the following new section:

"§ 5756. Home marketing incentive payment

''(a) Under such regulations as the Administrator of General Services may prescribe, an agency may pay to an employee who transfers in the interest of the Government an amount, not to exceed a maximum payment amount established by the Administrator in consultation with the Director of the Office of Management and Budget, to encourage the employee to aggressively market the employee's residence at the old official station when—

''(1) the residence is entered into a program established under a contract in accordance with section 5724c of this chapter, to arrange for the purchase of the residence;

''(2) the employee finds a buyer who completes the purchase of the residence through the program; and

''(3) the sale of the residence to the individual results in a reduced cost to the Government.

''(b) For fiscal years 1997 and 1998, the Administrator shall establish a maximum payment amount of 5 percent of the sales price of the residence.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 57 of title 5, United States Code, is amended by inserting at the end the following:

''5756. Home marketing incentive payment.''.

SEC. 1418. CONFORMING AMENDMENTS.

(a) AMENDMENTS TO TITLE 5, UNITED STATES CODE.—(1) Section 5724a of title 5, United States Code, is further amended by adding at the end the following new subsections:

''(g)(1) Subject to paragraph (2), an employee who is reimbursed under subsections (a) through (f) of this section or section 5724(a) of this title is entitled to an amount for miscellaneous expenses—

''(A) not to exceed 2 weeks' basic pay, if such employee has an immediate family; or

''(B) not to exceed 1 week's basic pay, if such employee does not have an immediate family.

''(2) Amounts paid under paragraph (1) may not exceed amounts determined at the maximum rate payable for a position at GS–13 of the General Schedule.

''(h) A former employee separated by reason of reduction in force or transfer of function who within 1 year after the separation is reemployed by a nontemporary appointment at a different geographical location from that where the separation occurred, may be allowed and paid the expenses authorized by sections 5724, 5725, 5726(b), and 5727 of this title, and may receive the benefits authorized by subsections (a) through (g) of this section, in the same manner as though such employee had been transferred in the interest of the Government without a break in service to the location of reemployment from the location where separated.

''(i) Payments for subsistence expenses, including amounts in lieu of per diem or actual subsistence expenses or a combination thereof, authorized under this section shall not exceed the maximum payment allowed under regulations which implement section 5702 of this title.

''(j) Subsections (a), (b), and (c) shall be implemented under regulations issued under section 5737.''.

(2) Section 3375 of title 5, United States Code, is amended—

(A) in subsection (a)(3), by striking ''section 5724a(a)(1) of this title'' and inserting ''section 5724a(a) of this title'';

(B) in subsection (a)(4), by striking ''section 5724a(a)(3) of this title'' and inserting ''section 5724a(c) of this title''; and

(C) in subsection (a)(5), by striking ''section 5724a(b) of this title'' and inserting ''section 5724a(g) of this title''.

(3) Section 5724(e) of title 5, United States Code, is amended by striking ''section 5724a(a), (b) of this title'' and inserting ''section 5724a(a) through (g) of this title''.

(b) MISCELLANEOUS.—(1) Section 707 of title 38, United States Code, is amended—

(A) in subsection (a)(6), by striking ''Section 5724a(a)(3)'' and inserting ''Section 5724a(c)''; and

(B) in subsection (a)(7), by striking ''Section 5724a(a)(4)'' and inserting ''section 5724a(d)''.

(2) Section 501 of the Public Health Service Act (42 U.S.C. 290aa) is amended—

(A) in subsection (g)(2)(A), by striking ''5724a(a)(1)'' and inserting ''5724a(a)''; and

(B) in subsection (g)(2)(A), by striking ''5724a(a)(3)'' and inserting ''5724a(c)''.

(3) Section 925 of the Public Health Service Act (42 U.S.C. 299c–4) is amended—

(A) in subsection (f)(2)(A), by striking ''5724a(a)(1)'' and inserting ''5724a(a)''; and

(B) in subsection (f)(2)(A), by striking ''5724a(a)(3)'' and inserting ''5724a(c)''.

Subtitle B—Miscellaneous Provisions

SEC. 1431. REPEAL OF THE LONG-DISTANCE TELEPHONE CALL CERTIFICATION REQUIREMENT.

Section 1348 of title 31, United States Code, is amended—

(1) by striking the last sentence of subsection (a)(2);

(2) by striking subsection (b); and

(3) by redesignating subsections (c) and (d) as subsections (b) and (c), respectively.

SEC. 1432. TRANSFER OF AUTHORITY TO ISSUE REGULATIONS.

(a) IN GENERAL.—Subchapter II of chapter 57 of title 5, United States Code, is further amended by adding at the end the following new section:

"§ 5737. Regulations

''(a)(1) Except as specifically provided in this subchapter, the Administrator of General Services shall prescribe regulations necessary for the administration of this subchapter.

''(2) Notwithstanding any limitation of this subchapter, in promulgating regulations under paragraph (1) of this subsection, the Administrator of General Services shall include a provision authorizing the head of an agency or his designee to waive any limitation of this subchapter or in any implementing regulation for any employee relocating to or from a remote or isolated location who would otherwise suffer hardship.

''(b) The Administrator of General Services shall prescribe regulations necessary for the implementation of section 5724b of this subchapter in consultation with the Secretary of the Treasury.

''(c) The Secretary of Defense shall prescribe regulations necessary for the implementation of section 5735 of this subchapter.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 57 of title 5, United States Code, is further amended by inserting after the item relating to section 5736 the following new item:

''5737. Regulations.''.

(c) CONFORMING AMENDMENTS.—(1) Section 5722 of title 5, United States Code, is amended by striking ''Under such regulations as the President may prescribe'', and inserting ''Under regulations prescribed under section 5737 of this title''.

(2) Section 5723 of title 5, United States Code, is amended by striking ''Under such regulations as the President may prescribe'', and inserting ''Under regulations prescribed under section 5737 of this title''.

(3) Section 5724 of title 5, United States Code, is amended—

(A) in subsections (a) through (c), by striking ''Under such regulations as the President may prescribe'' each place it appears and inserting ''Under regulations prescribed under section 5737 of this title'';

(B) in subsections (c) and (e), by striking ''under regulations prescribed by the President'' and inserting ''under regulations prescribed under section 5737 of this title''; and

(C) in subsection (f), by striking ''under the regulations of the President'' and inserting ''under regulations prescribed under section 5737 of this title''.

(4) Section 5724b of title 5, United States Code, is amended by striking ''Under such regulations as the President may prescribe'' and inserting ''Under regulations prescribed under section 5737 of this title''.

(5) Section 5726 of title 5, United States Code, is amended—

(A) in subsection (a), by striking ''as the President may by regulation authorize'' and inserting ''as authorized under regulations prescribed under section 5737 of this title''; and

(B) in subsections (b) and (c), by striking ''Under such regulations as the President may prescribe'' each place it appears and inserting ''under regulations prescribed under section 5737 of this title''.

(6) Section 5727(b) of title 5, United States Code, is amended by striking ''Under such regulations as the President may prescribe'' and inserting ''Under regulations prescribed under section 5737 of this title''.

(7) Section 5728 of title 5, United States Code, is amended in subsections (a), (b), and (c)(1), by striking ''Under such regulations as the President may prescribe'' each place it appears and inserting ''Under regulations prescribed under section 5737 of this title''.

(8) Section 5729 of title 5, United States Code, is amended in subsections (a) and (b), by striking ''Under such regulations as the President may prescribe'' each place it appears and inserting ''Under regulations prescribed under section 5737 of this title''.

(9) Section 5731 of title 5, United States Code, is amended by striking ''in accordance with regulations prescribed by the President'' and inserting ''in accordance with regulations prescribed under section 5737 of this title''.

SEC. 1433. REPORT ON ASSESSMENT OF COST SAVINGS.

No later than 1 year after the effective date of the final regulations issued under section 1434(b), the General Accounting Office shall submit a report to the Committee on Governmental Affairs of the Senate and the Committee on Government Reform and Oversight of the House of Representatives on an assessment of the cost savings to Federal travel administration resulting from statutory and regulatory changes under this Act.

SEC. 1434. EFFECTIVE DATE; ISSUANCE OF REGULATIONS.

(a) EFFECTIVE DATE.—The amendments made by this title shall take effect upon the expiration of the 180-day period beginning on the date of the enactment of this Act.

(b) REGULATIONS.—The Administrator of General Services shall issue final regulations implementing the amendments made by this title by not later than the expiration of the period referred to in subsection (a).

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

SEC. 2001. SHORT TITLE.

This division may be cited as the ''Military Construction Authorization Act for Fiscal Year 1997''.

TITLE XXI—ARMY

SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(1), the Secretary of the Army may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Army: Inside the United States

State	Installation or location	Total
Alabama	Fort Rucker	$3,250,000
California	Camp Roberts	$5,500,000
	Naval Weapons Station, Concord	$27,000,000
Colorado	Fort Carson	$13,000,000
District of Columbia	Fort McNair	$6,900,000
Georgia	Fort Benning	$53,400,000
	Fort McPherson	$3,500,000
	Fort Stewart	$6,000,000
Hawaii	Schofield Barracks	$16,500,000
Kansas	Fort Riley	$29,350,000
Kentucky	Fort Campbell	$67,600,000
	Fort Knox	$13,000,000
Louisiana	Fort Polk	$4,800,000
New Mexico	White Sands Missile Range	$10,000,000
New York	Fort Drum	$6,500,000
Texas	Fort Hood	$40,900,000
	Fort Sam Houston	$3,100,000
Virginia	Fort Eustis	$3,550,000
Washington	Fort Lewis	$54,600,000
CONUS Classified	Classified Locations	$4,600,000
	Total:	$373,050,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(2), the Secretary of the Army may acquire real property and carry out military construction projects for the locations outside the United States, and in the amounts, set forth in the following table:

Army: Outside the United States

Country	Installation or location	Total
Germany	Spinellii Barracks, Mannheim	$8,100,000
	Taylor Barracks, Mannheim	$9,300,000
Italy	Camp Ederle	$3,100,000
Korea	Camp Casey	$16,000,000
	Camp Red Cloud	$14,000,000
Overseas Classified	Classified Locations	$64,000,000
Worldwide	Host Nation Support	$20,000,000
	Total:	$134,500,000

SEC. 2102. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

Army: Family Housing

State	Installation	Purpose	Total
Hawaii	Schofield Barracks	54 Units	$10,000,000
North Carolina	Fort Bragg	88 Units	$9,800,000
Texas	Fort Hood	140 Units	$18,500,000
		Total:	$38,300,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $4,083,000.

SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in sections 2104(a)(5)(A), the Secretary of the Army may improve existing military family housing units in an amount not to exceed $109,750,000.

SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1996, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $1,910,897,000 as follows:

(1) For military construction projects inside the United States authorized by section 2101(a), $373,050,000.

(2) For military construction projects outside the United States authorized by section 2101(b), $134,500,000.

(3) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $7,000,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $31,748,000.

(5) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $152,133,000.

(B) For support of military family housing (including the functions described in section 2833 of title 10, United States Code), $1,212,466,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2101 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

SEC. 2105. PLAN FOR REPAIRS AND STABILIZATION OF THE HISTORIC DISTRICT AT THE FOREST GLEN ANNEX OF WALTER REED MEDICAL CENTER, MARYLAND.

Not later than 30 days after the date of the enactment of this Act, the Secretary of the Army shall submit to the congressional defense committees a comprehensive plan for basic repairs and stabilization measures throughout the historic district at the Forest Glen Annex of Walter Reed Army Medical Center, Maryland, together with funding options for the implementation of the plan.

TITLE XXII—NAVY

SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2205(a)(1), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Navy: Inside the United States

State	Installation or location	Amount
Arizona	Navy Detachment, Camp Navajo	$3,920,000
California	Marine Corps Air-Ground Combat Center, Twentynine Palms	$4,020,000
	Marine Corps Air Station, Camp Pendleton	$6,240,000
	Marine Corps Base, Camp Pendleton	$51,630,000
	Marine Corps Recruit Depot, San Diego	$8,150,000
	Naval Air Station, North Island	$76,872,000
	Naval Facility, San Clemente Island	$17,000,000
	Naval Station, San Diego	$7,050,000
	Naval Command Control & Ocean Surveillance Center, San Diego	$1,960,000
Connecticut	Naval Submarine Base, New London	$13,830,000
District of Columbia	Naval District, Commandant, Washington	$19,300,000
Florida	Naval Air Station, Key West	$2,250,000
Hawaii	Naval Station, Pearl Harbor	$19,600,000
	Naval Submarine Base, Pearl Harbor	$35,890,000
Idaho	Naval Surface Warfare Center, Bayview	$7,150,000
Illinois	Naval Training Center, Great Lakes	$22,900,000
Maryland	Naval Air Warfare Center, Patuxent River	$1,270,000
	United States Naval Academy	$10,480,000
Mississippi	Naval Station, Pascagoula	$4,990,000
	Stennis Space Center	$7,960,000
Nevada	Naval Air Station, Fallon	$20,600,000
North Carolina	Marine Corps Air Station, Cherry Point	$1,630,000
	Marine Corps Air Station, New River	$17,040,000
	Marine Corps Base, Camp LeJeune	$20,750,000
Rhode Island	Naval Undersea Warfare Center	$8,900,000
South Carolina	Marine Corps Recruit Depot, Parris Island	$2,550,000
Texas	Naval Station, Ingleside	$16,850,000
	Naval Air Station, Kingsville	$1,810,000
Virginia	Armed Forces Staff College, Norfolk	$12,900,000
	Marine Corps Combat Development Command, Quantico	$14,570,000
	Naval Station, Norfolk	$47,920,000
	Naval Surface Warfare Center, Dahlgren	$8,030,000
Washington	Naval Station, Everett	$25,740,000
	Total:	$521,752,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2205(a)(2), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

Navy: Outside the United States

Country	Installation or location	Amount
Bahrain	Administrative Support Unit, Bahrain	$5,980,000
Greece	Naval Support Activity, Souda Bay	$7,050,000
Italy	Naval Air Station, Sigonella	$15,700,000
	Naval Support Activity, Naples	$8,620,000
Puerto Rico	Naval Station, Roosevelt Roads	$23,600,000
United Kingdom	Joint Maritime Communications Center, St. Mawgan	$4,700,000
	Total:	$65,650,000

SEC. 2202. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2205(a)(6)(A), the Secretary of the Navy may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

Navy: Family Housing

State	Installation	Purpose	Amount
Arizona	Marine Corps Air Station, Yuma	Community Center	$709,000
California	Marine Corps Air-Ground Combat Center, Twentynine Palms	Community Center	$1,982,000
	Marine Corps Air-Ground Combat Center, Twentynine Palms	Housing Office	$956,000
	Marine Corps Base, Camp Pendleton	128 Units	$19,483,000
	Naval Air Station, Lemoore	276 Units	$39,837,000
	Navy Public Works Center, San Diego	366 Units	$48,719,000

Navy: Family Housing—Continued

State	Installation	Purpose	Amount
Hawaii	Marine Corps Air Station, Kaneohe Bay	54 Units	$11,676,000
	Navy Public Works Center, Pearl Harbor	264 Units	$52,586,000
Maryland	Naval Air Warfare Center, Patuxent River	Community Center	$1,233,000
North Carolina	Marine Corps Base, Camp LeJeune	Community Center	$845,000
Virginia	AEGIS Combat Systems Center, Wallops Island	20 Units	$2,975,000
	Naval Security Group Activity, Northwest	Community Center	$741,000
Washington	Naval Station, Everett	100 Units	$15,015,000
	Naval Submarine Base, Bangor	Housing Office	$934,000
		Total:	$197,691,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2205(a)(6)(A), the Secretary of the Navy may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $23,142,000.

SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2205(a)(6)(A), the Secretary of the Navy may improve existing military family housing units in an amount not to exceed $189,383,000.

SEC. 2204. DEFENSE ACCESS ROADS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2205(a)(5), the Secretary of the Navy may make advances to the Secretary of Transportation for the construction of defense access roads under section 210 of title 23, United States Code, at various locations in the amount of $300,000.

SEC. 2205. AUTHORIZATION OF APPROPRIATIONS, NAVY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1996, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $2,054,793,000 as follows:

(1) For military construction projects inside the United States authorized by section 2201(a), $515,952,000.

(2) For military construction projects outside the United States authorized by section 2201(b), $65,650,000.

(3) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $7,115,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $47,519,000.

(5) For advances to the Secretary of Transportation for construction of defense access roads under section 210 of title 23, United States Code, $300,000.

(6) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $410,216,000.

(B) For support of military housing (including functions described in section 2833 of title 10, United States Code), $1,014,241,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2201 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

(c) ADJUSTMENT.—The total amount authorized to be appropriated pursuant to paragraphs (1) through (6) of subsection (a) is the sum of the amounts authorized to be appropriated in such paragraphs, reduced by $12,000,000, which represents the combination of project savings resulting from favorable bids, reduced overhead costs, and cancellations due to force structure changes.

TITLE XXIII—AIR FORCE

SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(1), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Air Force: Inside the United States

State	Installation or location	Amount
Alabama	Maxwell Air Force Base	$7,875,000
Alaska	Eielson Air Force Base	$3,900,000
	Elmendorf Air Force Base	$21,530,000
	King Salmon Air Force Base	$5,700,000
Arizona	Davis–Monthan Air Force Base	$9,920,000
Arkansas	Little Rock Air Force Base	$18,105,000
California	Beale Air Force Base	$14,425,000
	Edwards Air Force Base	$20,080,000
	Travis Air Force Base	$14,980,000
	Vandenberg Air Force Base	$3,290,000
Colorado	Buckley Air National Guard Base	$17,960,000
	Falcon Air Force Station	$2,095,000
	Peterson Air Force Base	$20,720,000
	United States Air Force Academy	$12,165,000
Delaware	Dover Air Force Base	$19,980,000
Florida	Eglin Air Force Base	$4,590,000
	Eglin Auxiliary Field 9	$6,825,000
	Patrick Air Force Base	$10,495,000
	Tyndall Air Force Base	$3,600,000
Georgia	Moody Air Force Base	$3,350,000
	Robins Air Force Base	$25,045,000
Idaho	Mountain Home Air Force Base	$15,945,000
Kansas	McConnell Air Force Base	$25,830,000
Louisiana	Barksdale Air Force Base	$4,890,000
Maryland	Andrews Air Force Base	$8,140,000
Mississippi	Keesler Air Force Base	$14,465,000
Montana	Malmstrom Air Force Base	$6,300,000
Nevada	Indian Springs Air Force Auxiliary Air Field	$4,690,000
	Nellis Air Force Base	$14,700,000
New Jersey	McGuire Air Force Base	$8,080,000
New Mexico	Cannon Air Force Base	$7,100,000
	Kirtland Air Force Base	$16,300,000
North Carolina	Pope Air Force Base	$5,915,000
	Seymour Johnson Air Force Base	$11,280,000
North Dakota	Grand Forks Air Force Base	$12,470,000
	Minot Air Force Base	$3,940,000
Ohio	Wright–Patterson Air Force Base	$7,400,000
Oklahoma	Tinker Air Force Base	$9,880,000
South Carolina	Charleston Air Force Base	$43,110,000
	Shaw Air Force Base	$14,465,000

Air Force: Inside the United States—Continued

State	Installation or location	Amount
South Dakota	Ellsworth Air Force Base	$4,150,000
Tennessee	Arnold Engineering Development Center	$6,781,000
Texas	Dyess Air Force Base	$5,895,000
	Kelly Air Force Base	$3,250,000
	Lackland Air Force Base	$9,413,000
	Sheppard Air Force Base	$9,400,000
Utah	Hill Air Force Base	$3,690,000
Virginia	Langley Air Force Base	$8,005,000
Washington	Fairchild Air Force Base	$18,155,000
	McChord Air Force Base	$57,065,000
	Total:	$607,334,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(2), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

Air Force: Outside the United States

Country	Installation or location	Amount
Germany	Ramstein Air Force Base	$5,370,000
	Spangdahlem Air Base	$1,890,000
Italy	Aviano Air Base	$10,066,000
Korea	Osan Air Base	$9,780,000
Turkey	Incirlik Air Base	$7,160,000
United Kingdom	Croughton Royal Air Force Base	$1,740,000
	Lakenheath Royal Air Force Base	$17,525,000
	Mildenhall Royal Air Force Base	$6,195,000
Overseas Classified	Classified Locations	$18,395,000
	Total:	$78,115,000

SEC. 2302. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(5)(A), the Secretary of the Air Force may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

Air Force: Family Housing

State	Installation	Purpose	Amount
Alaska	Eielson Air Force Base	72 units	$21,127,000
		Fire Station	$2,950,000
California	Beale Air Force Base	56 units	$8,893,000
	Travis Air Force Base	70 units	$8,631,000
	Vandenberg Air Force Base	112 units	$20,891,000
District of Columbia	Bolling Air Force Base	40 units	$5,000,000
Florida	Eglin Auxiliary Field 9	1 unit	$249,000
	MacDill Air Force Base	56 units	$8,822,000
	Patrick Air Force Base	Housing Maintenance Facility.	$853,000
		Housing Support & Storage Facility.	$756,000
		Housing Office	$821,000
Louisiana	Barksdale Air Force Base	80 units	$9,570,000
Massachusetts	Hanscom Air Force Base	32 units	$5,100,000
Missouri	Whiteman Air Force Base	68 units	$9,600,000
Montana	Malmstrom Air Force Base	20 units	$5,242,000
New Mexico	Kirtland Air Force Base	87 units	$11,850,000
North Dakota	Grand Forks Air Force Base	66 units	$7,784,000
	Minot Air Force Base	46 units	$8,740,000
Texas	Lackland Air Force Base	50 units	$6,500,000
		Housing Office	$450,000
		Housing Maintenance Facility.	$350,000
Washington	McChord Air Force Base	40 units	$5,659,000
United Kingdom	Lakenheath Royal Air Force Base	Family Housing, Phase I	$8,300,000
		Total:	$158,138,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(5)(A), the Secretary of the Air Force may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $12,350,000.

SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(5)(A), the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed $94,550,000.

SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1996, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $1,844,786,000 as follows:

(1) For military construction projects inside the United States authorized by section 2301(a), $607,334,000.

(2) For military construction projects outside the United States authorized by section 2301(b), $78,115,000.

(3) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $11,328,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $53,497,000.

(5) For military housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $265,038,000.

(B) For support of military family housing (including the functions described in section 2833 of title 10, United States Code), $829,474,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2301 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

TITLE XXIV—DEFENSE AGENCIES

SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2406(a)(1), the Secretary of Defense may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Inside the United States

Agency	Installation or location	Amount
Chemical Agents and Munitions Destruction.		
	Pueblo Army Depot, Colorado	$179,000,000
Defense Finance & Accounting Service.		
	Norton Air Force Base, California	$13,800,000
	Naval Training Center, Orlando, Florida	$2,600,000
	Rock Island Arsenal, Illinois	$14,400,000
	Loring Air Force Base, Maine	$6,900,000
	Offutt Air Force Base, Nebraska	$7,000,000
	Griffiss Air Force Base, New York	$10,200,000
	Gentile Air Force Station, Ohio	$11,400,000
	Charleston, South Carolina	$6,200,000
Defense Intelligence Agency.		
	Bolling Air Force Base, District of Columbia	$6,790,000
	National Ground Intelligence Center, Charlottesville, Virginia	$2,400,000
Defense Logistics Agency.		
	Elmendorf Air Force Base, Alaska	$21,000,000
	Defense Distribution, San Diego, California	$15,700,000
	Naval Air Facility, El Centro, California	$5,700,000
	Travis Air Force Base, California	$15,200,000
	McConnell Air Force Base, Kansas	$2,200,000
	Barksdale Air Force Base, Louisiana	$4,300,000
	Andrews Air Force Base, Maryland	$12,100,000
	Naval Air Station, Fallon, Nevada	$2,100,000
	Defense Construction Supply Center, Columbus, Ohio	$600,000
	Altus Air Force Base, Oklahoma	$3,200,000
	Shaw Air Force Base, South Carolina	$2,900,000
	Naval Air Station, Oceana, Virginia	$1,500,000
Defense Medical Facility Office.		
	Maxwell Air Force Base, Alabama	$25,000,000
	Marine Corps Base, Camp Pendleton, California	$3,300,000
	Naval Air Station, Lemoore, California	$38,000,000
	Naval Air Station, Key West, Florida	$15,200,000
	Andrews Air Force Base, Maryland	$15,500,000
	Fort Bragg, North Carolina	$11,400,000
	Charleston Air Force Base, South Carolina	$1,300,000
	Fort Bliss, Texas	$6,600,000
	Fort Hood, Texas	$1,950,000
	Naval Air Station, Norfolk, Virginia	$1,250,000
Special Operations Command.		
	Naval Amphibious Base, Coronado, California	$7,700,000
	Naval Station, Ford Island, Pearl Harbor, Hawaii	$12,800,000
	Fort Campbell, Kentucky	$4,200,000
	Fort Bragg, North Carolina	$14,000,000
	Total:	$505,390,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2406(a)(2), the Secretary of Defense may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Outside the United States

Agency	Installation or location	Amount
Defense Logistics Agency.		
	Naval Air Station, Sigonella, Italy	$6,100,000
	Moron Air Base, Spain	$12,958,000
Defense Medical Facility Office.		
	Administrative Support Unit, Bahrain, Bahrain	$4,600,000
	Total:	$23,658,000

SEC. 2402. MILITARY HOUSING PLANNING AND DESIGN.

Using amounts appropriated pursuant to the authorization of appropriation in section 2406(a)(15)(A), the Secretary of Defense may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $500,000.

SEC. 2403. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriation in section 2406(a)(15)(A), the Secretary of Defense may improve existing military family housing units in an amount not to exceed $3,871,000.

SEC. 2404. MILITARY HOUSING IMPROVEMENT PROGRAM.

(a) AVAILABILITY OF FUNDS FOR CREDIT TO FAMILY HOUSING IMPROVEMENT FUND.—The amount authorized to be appropriated pursuant to section 2406(a)(15)(C) shall be available for crediting to the Department of Defense Family Housing Improvement Fund established by section 2883(a)(1) of title 10, United States Code.

(b) AVAILABILITY OF FUNDS FOR CREDIT TO UNACCOMPANIED HOUSING IMPROVEMENT FUND.—The amount authorized to be appropriated pursuant to section 2406(a)(14) shall be available for crediting to the Department of Defense Military Unaccompanied Housing Improvement Fund established by section 2883(a)(2) of title 10, United States Code.

(c) USE OF FUNDS.—The Secretary of Defense may use funds credited to the Department of Defense Family Housing Improvement Fund under subsection (a) to carry out any activities authorized by subchapter IV of chapter 169 of such title with respect to military family housing and may use funds credited to the Department of Defense Military Unaccompanied Housing Improvement Fund under subsection (b) to carry out any activities authorized by that subchapter with respect to military unaccompanied housing.

SEC. 2405. ENERGY CONSERVATION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2406(a)(12), the Secretary of Defense may carry out energy conservation projects under section 2865 of title 10, United States Code.

SEC. 2406. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1996, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments), in the total amount of $3,399,166,000 as follows:

(1) For military construction projects inside the United States authorized by section 2401(a), $340,287,000.

(2) For military construction projects outside the United States authorized by section 2401(b), $23,658,000.

(3) For military construction projects at Naval Hospital, Portsmouth, Virginia, hospital replacement, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Years 1990 and 1991 (division B of Public Law 101–189; 103 Stat. 1640), $24,000,000.

(4) For military construction projects at Walter Reed Army Institute of Research, Maryland, hospital replacement, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2599), $92,000,000.

(5) For military construction projects at Fort Bragg, North Carolina, hospital replacement, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1993 (106 Stat. 2599), $89,000,000.

(6) For military construction projects at Pine Bluff Arsenal, Arkansas, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1995 (division B of the Public Law 103–337; 108 Stat. 3040), $46,000,000.

(7) For military construction projects at Umatilla Army Depot, Oregon, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1995 (108 Stat. 3040), $64,000,000.

(8) For military construction projects at Defense Finance and Accounting Service, Columbus, Ohio, authorized by section 2401(a) of the Military Construction Authorization Act of Fiscal Year 1996 (division B of Public Law 104–106; 110 Stat. 535), $20,822,000.

(9) For contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, $9,500,000.

(10) For unspecified minor construction projects under section 2805 of title 10, United States Code, $21,874,000.

(11) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $14,239,000.

(12) For energy conservation projects under section 2865 of title 10, United States Code, $47,765,000.

(13) For base closure and realignment activities as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), $2,507,476,000.

(14) For credit to the Department of Defense Military Unaccompanied Housing Improvement Fund as authorized by section 2404(b) of this Act, $5,000,000.

(15) For military family housing functions:

(A) For improvement and planning of military family housing and facilities, $4,371,000.

(B) For support of military housing (including functions described in section 2833 of title 10, United States Code), $30,963,000, of which not more than $25,637,000 may be obligated or expended for the leasing of military family housing units worldwide.

(C) For credit to the Department of Defense Family Housing Improvement Fund as authorized by section 2404(a) of this Act, $20,000,000.

(D) For the Homeowners Assistance Program as authorized by section 2832 of title 10, United States Code, $36,181,000, to remain available until expended.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variation authorized by section 2853 of title 10, United States Code, and any other cost variations authorized by law, the total cost of all projects carried out under section 2401 of this Act may not exceed—

(1) the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a);

(2) $161,503,000 (the balance of the amount authorized under section 2401(a) of this Act for the construction of a chemical demilitarization facility at Pueblo Army Depot, Colorado); and

(3) $1,600,000 (the balance of the amount authorized under section 2401(a) of this Act for the construction of a replacement facility for the medical and dental clinic, Key West Naval Air Station, Florida).

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Security Investment program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2502 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1996, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Security Investment program as authorized by section 2501, in the amount of $172,000,000.

SEC. 2503. REDESIGNATION OF NORTH ATLANTIC TREATY ORGANIZATION INFRASTRUCTURE PROGRAM.

(a) REDESIGNATION.—Subsection (b) of section 2806 of title 10, United States Code, is amended by striking out ''North Atlantic Treaty Organization Infrastructure program'' and inserting in lieu thereof ''North Atlantic Treaty Organization Security Investment program''.

(b) REFERENCES.—Any reference to the North Atlantic Treaty Organization Infrastructure program in any Federal law, Executive order, regulation, delegation of authority, or document of or pertaining to the Department of Defense shall be deemed to refer to the North Atlantic Treaty Organization Security Investment program.

(c) CLERICAL AMENDMENTS.—(1) The section heading of such section is amended to read as follows:

''§ 2806. Contributions for North Atlantic Treaty Organizations Security Investment''.

(2) The table of sections at the beginning of subchapter I of chapter 169 of title 10, United States Code, is amended by striking out the item relating to section 2806 and inserting in lieu thereof the following:

''2806. Contributions for North Atlantic Treaty Organizations Security Investment.''.

(d) CONFORMING AMENDMENTS.—(1) Section 2861(b)(3) of title 10, United States Code, is amended by striking out ''North Atlantic Treaty Organization Infrastructure program'' and inserting in lieu thereof ''North Atlantic Treaty Organization Security Investment program''.

(2) Section 21(h)(1)(B) of the Arms Export Control Act (22 U.S.C. 2761(h)(1)(B)) is amended by striking out ''North Atlantic Treaty Organization Infrastructure Program'' and inserting in lieu thereof ''North Atlantic Treaty Organization Security Investment program''.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

SEC. 2601. AUTHORIZED GUARD AND RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

There are authorized to be appropriated for fiscal years beginning after September 30, 1996, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 1803 of title 10, United States Code (including the cost of acquisition of land for those facilities), the following amounts:

(1) For the Department of the Army—

(A) for the Army National Guard of the United States, $94,528,000: Notwithstanding any other provision of this Act, none of the funds authorized for construction, phase I, of a combined support maintenance shop at Camp Guernsey, Wyoming may be obligated until the Secretary of Defense certifies to Congress that the project is in the future years defense plan; and

(B) for the Army Reserve, $59,174,000.

(2) For the Department of the Navy, for the Naval and Marine Corps Reserve, $32,743,000.

(3) For the Department of the Air Force—

(A) for the Air National Guard of the United States, $209,884,000; and

(B) for the Air Force Reserve, $54,770,000.

SEC. 2602. FUNDING FOR CONSTRUCTION AND IMPROVEMENT OF RESERVE CENTERS IN THE STATE OF WASHINGTON.

(a) FUNDING.—Notwithstanding any other provision of law, of the funds appropriated under the heading ''MILITARY CONSTRUCTION, NAVAL RESERVE'' in the Military Construction Appropriations Act, 1995 (Public Law 103–307; 108 Stat. 1661), that are available for the construction of a Naval Reserve center in Seattle, Washington—

(1) $5,200,000 shall be available for the construction of an Army Reserve Center at Fort Lawton, Washington, of which $700,000 may be used for program and design activities relating to such construction;

(2) $4,200,000 shall be available for the construction of an addition to the Naval Reserve Center in Tacoma, Washington;

(3) $500,000 shall be available for unspecified minor construction at Naval Reserve facilities in the State of Washington; and

(4) $500,000 shall be available for planning and design activities with respect to improvements at Naval Reserve facilities in the State of Washington.

(b) MODIFICATION OF LAND CONVEYANCE AUTHORITY.—Paragraph (2) of section 127(d) of the Military Construction Appropriations Act, 1995 (Public Law 103–337; 108 Stat. 1666), is amended to read as follows:

''(2) Before commencing construction of a facility to be the replacement facility for the Naval Reserve Center under paragraph (1), the Secretary shall comply with the requirements of the National Environmental Policy Act (42 U.S.C. 4321 et seq.) with respect to such facility.''.

TITLE XXVII—EXPIRATION AND EXTENSION OF AUTHORIZATIONS

SEC. 2701. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.

(a) EXPIRATION OF AUTHORIZATIONS AFTER THREE YEARS.—Except as provided in subsection (b), all authorizations contained in titles XXI through XXVI for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment program (and authorizations of appropriations therefor) shall expire on the later of—

(1) October 1, 1999; or

(2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 2000.

(b) EXCEPTION.—Subsection (a) shall not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment program (and authorizations of appropriations therefor), for which appropriated funds have been obligated before the later of—

(1) October 1, 1999; or

(2) the date of the enactment of an Act authorizing funds for fiscal year 2000 for military construction projects, land acquisition, family housing projects and facilities, or contributions to the North Atlantic Treaty Organization Security Investment program.

SEC. 2702. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 1994 PROJECTS.

(a) EXTENSIONS.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 1994 (division B of Public Law 103–160; 107 Stat. 1880), authorizations for the projects set forth in the tables in subsection (b), as provided in section 2101, 2102, 2201, 2301, or 2601 of that Act, shall remain in effect until October 1, 1997, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 1998, whichever is later.

(b) TABLES.—The tables referred to in subsection (a) are as follows:

Army: Extension of 1994 Project Authorizations

State	Installation or location	Project	Amount
New Jersey	Picatinny Arsenal	Advance Warhead Development Facility.	$4,400,000
North Carolina	Fort Bragg	Land Acquisition	$15,000,000
Wisconsin	Fort McCoy	Family Housing Construction (16 units).	$2,950,000

Navy: Extension of 1994 Project Authorizations

State or Location	Installation or location	Project	Amount
California	Camp Pendleton Marine Corps Base	Sewage Facility	$7,930,000
Connecticut	New London Naval Submarine Base	Hazardous Waste Transfer Facility.	$1,450,000
New Jersey	Earle Naval Weapons Station	Explosives Holding Yard	$1,290,000
Virginia	Oceana Naval Air Station	Jet Engine Test Cell Replacement.	$5,300,000
Various Locations	Various Locations	Land Acquisition Inside the United States.	$540,000
Various Locations	Various Locations	Land Acquisition Outside the United States.	$800,000

Air Force: Extension of 1994 Project Authorizations

State	Installation or Location	Project	Amount
Alaska	Eielson Air Force Base	Upgrade Water Treatment Plant.	$3,750,000
	Elmendorf Air Force Base	Corrosion Control Facility	$5,975,000
California	Beale Air Force Base	Educational Center	$3,150,000
Florida	Tyndall Air Force Base	Base Supply Logistics Center.	$2,600,000
Mississippi	Keesler Air Force Base	Upgrade Student Dormitory	$4,500,000
North Carolina	Pope Air Force Base	Add To and Alter Dormitories.	$4,300,000
Virginia	Langley Air Force Base	Fire Station	$3,850,000

Army National Guard: Extension of 1994 Project Authorizations

State	Installation or Location	Project	Amount
Alabama	Birmingham	Aviation Support Facility	$4,907,000
Arizona	Marana	Organization Maintenance Shop.	$553,000
	Marana	Dormitory/Dining Facility	$2,919,000
California	Fresno	Organization Maintenance Shop Modification.	$905,000
	Van Nuys	Armory Addition	$6,518,000
New Mexico	White Sands Missile Range	Organization Maintenance Shop.	$2,940,000
	White Sands Missile Range	Tactical Site	$1,995,000
	White Sands Missile Range	Mobilization and Training Equipment Site.	$3,570,000
Pennsylvania	Indiantown Gap	State Military Building	$9,200,000
	Johnstown	Armory Addition/Flight Facility.	$5,004,000
	Johnstown	Armory	$3,000,000

SEC. 2703. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 1993 PROJECTS.

(a) EXTENSIONS.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2602), authorizations for the projects set forth in the tables in subsection (b), as provided in section 2101, 2301, or 2601 of that Act and extended by section 2702 of the Military Construction Authorization Act for Fiscal Year 1996 (division B of Public Law 104–106; 110 Stat. 541), shall remain in effect until October 1, 1997, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 1998, whichever is later.

(b) TABLES.—The tables referred to in subsection (a) are as follows:

Army: Extension of 1993 Project Authorization

State	Installation or location	Project	Amount
Arkansas	Pine Bluff Arsenal	Ammunition Demilitarization Support Facility.	$15,000,000

Air Force: Extension of 1993 Project Authorization

Country	Installation or location	Project	Amount
Portugal	Lajes Field	Water Wells	$950,000

Army National Guard: Extension of 1993 Project Authorizations

State	Installation or location	Project	Amount
Alabama	Tuscaloosa	Armory	$2,273,000
	Union Springs	Armory	$813,000

SEC. 2704. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 1992 PROJECTS.

(a) EXTENSIONS.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102–190; 105 Stat. 1535), authorizations for the projects set forth in the table in subsection (b), as provided in section 2101 of that Act and extended by section 2702(a) of the Military Construction Authorization Act for Fiscal Year 1995 (division B of Public Law 103–337; 108 Stat. 3047) and section 2703(a) of the Military Construction Authorization Act for Fiscal Year 1996 (division B of Public Law 104–106; 110 Stat. 543), shall remain in effect until October 1, 1997, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 1998, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Army: Extension of 1992 Project Authorizations

State	Installation or location	Project	Amount
Oregon	Umatilla Army Depot	Ammunition Demilitarization Support Facility.	$3,600,000
	Umatilla Army Depot	Ammunition Demilitarization Utilities.	$7,500,000

SEC. 2705. PROHIBITION ON USE OF FUNDS FOR CERTAIN PROJECTS.

(a) PROHIBITION.—Notwithstanding any other provision of this Act, no funds authorized to be appropriated by this Act may be obligated or expended for the military construction project listed under subsection (b) until the Secretary of Defense certifies to Congress that the project is included in the current future-years defense program.

(b) COVERED PROJECT.—Subsection (a) applies to the following military construction project:

(1) Phase II, Construction, Consolidated Education Center, Fort Campbell, Kentucky.

(2) Phase III, Construction, Western Kentucky Training Site.

SEC. 2706. EFFECTIVE DATE.

Titles XXI, XXII, XXIII, XXIV, XXV, and XXVI shall take effect on the later of—

(1) October 1, 1996; or

(2) the date of the enactment of this Act.

TITLE XXVIII—GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

SEC. 2801. INCREASE IN CERTAIN THRESHOLDS FOR UNSPECIFIED MINOR CONSTRUCTION PROJECTS.

(a) O&M FUNDING FOR PROJECTS.—Section 2805(c)(1)(B) of title 10, United States Code, is amended by striking out ''$300,000'' and inserting in lieu thereof ''$500,000''.

(b) O&M FUNDING FOR RESERVE COMPONENT FACILITIES.—Subsection (b) of section 18233a of such title is amended by striking out ''$300,000'' and inserting in lieu thereof ''$500,000''.

(c) NOTIFICATION FOR EXPENDITURES AND CONTRIBUTIONS FOR RESERVE COMPONENT FACILITIES.—Subsection (a)(1) of such section 18233a is amended by striking out ''$400,000'' and inserting in lieu thereof ''$1,500,000''.

SEC. 2802. CLARIFICATION OF AUTHORITY TO IMPROVE MILITARY FAMILY HOUSING.

(a) EXCLUSION OF MINOR MAINTENANCE AND REPAIR.—Subsection (a)(2) of section 2825 of title 10, United States Code, is amended by inserting ''(other than day-to-day maintenance or repair work)'' after ''work''.

(b) APPLICABILITY OF LIMITATION ON FUNDS FOR IMPROVEMENTS.—Subsection (b)(2) of such section is amended—

(1) by striking out ''the cost of repairs'' and all that follows through ''in connection with'' and inserting in lieu thereof ''of the unit or units concerned the cost of maintenance or repairs undertaken in connection with the improvement of the unit or units and any cost (other than the cost of activities undertaken beyond a distance of five feet from the unit or units) in connection with''; and

(2) by inserting '', drives,'' after ''roads''.

SEC. 2803. AUTHORITY TO GRANT EASEMENTS FOR RIGHTS-OF-WAY.

(a) EASEMENTS FOR ELECTRIC POLES AND LINES AND FOR COMMUNICATIONS LINES AND FACILITIES.—Section 2668(a) of title 10, United States Code, is amended—

(1) by striking out ''and'' at the end of paragraph (9);

(2) by redesignating paragraph (10) as paragraph (13); and

(3) by inserting after paragraph (9) the following new paragraphs:

''(10) poles and lines for the transmission or distribution of electric power;

''(11) poles and lines for the transmission or distribution of communications signals (including telephone and telegraph signals);

''(12) structures and facilities for the transmission, reception, and relay of such signals; and''.

(b) CONFORMING AMENDMENTS.—Such section is further amended—

(1) in paragraph (3), by striking out '', telephone lines, and telegraph lines,''; and

(2) in paragraph (13), as redesignated by subsection (a)(2), by striking out ''or by the Act of March 4, 1911 (43 U.S.C. 961)''.

Subtitle B—Defense Base Closure and Realignment

SEC. 2811. RESTORATION OF AUTHORITY UNDER 1988 BASE CLOSURE LAW TO TRANSFER PROPERTY AND FACILITIES TO OTHER ENTITIES IN THE DEPARTMENT OF DEFENSE.

(a) RESTORATION OF AUTHORITY.—Section 204(b)(2) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note) is amended—

(1) by redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F), respectively; and

(2) by inserting after subparagraph (C) the following new subparagraph (D):

''(D) The Secretary may transfer real property or facilities located at a military installation to be closed or realigned under this title, with or without reimbursement, to a military department or other entity (including a nonappropriated fund instrumentality) within the Department of Defense or the Coast Guard.''.

(b) RATIFICATION OF TRANSFERS—Any transfer by the Secretary of Defense of real property or facilities at a military installation closed or realigned under title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note) to a military department or other entity of the Department of Defense or the Coast Guard during the period beginning on November 30, 1993, and ending on the date of the enactment of this Act is hereby ratified.

SEC. 2812. AGREEMENTS FOR SERVICES AT INSTALLATIONS AFTER CLOSURE.

(a) 1988 LAW.—Section 204(b)(8)(A) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note) is amended by inserting '', or at facilities not yet transferred or otherwise disposed of in the case of installations closed under this title,'' after ''under this title''.

(b) 1990 LAW.—Section 2905(b)(8)(A) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended by inserting '', or at facilities not yet transferred or otherwise disposed of in the case of installations closed under this part,'' after ''under this part''.

Subtitle C—Land Conveyances

SEC. 2821. TRANSFER OF LANDS, ARLINGTON NATIONAL CEMETERY, ARLINGTON, VIRGINIA.

(a) REQUIREMENT FOR SECRETARY OF INTERIOR TO TRANSFER CERTAIN SECTION 29 LANDS.—(1) Subject to paragraph (2), the Secretary of the Interior shall transfer to the Secretary of the Army administrative jurisdiction over the following lands located in section 29 of the National Park System at Arlington National Cemetery, Virginia:

(A) The lands known as the Arlington National Cemetery Interment Zone.

(B) All lands in the Robert E. Lee Memorial Preservation Zone, other than those lands in the Preservation Zone that the Secretary of the Interior determines must be retained because of the historical significance of such lands or for the maintenance of nearby lands or facilities.

(2)(A) The Secretary of the Interior may not make the transfer referred to in paragraph (1)(B) until 60 days after the date on which the Secretary submits to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives—

(i) a summary of the document entitled ''Cultural Landscape and Archaeological Study, Section 29, Arlington House, The Robert E. Lee Memorial'';

(ii) a summary of any environmental analysis required with respect to the transfer under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(iii) the proposal of the Secretary and the Secretary of the Army setting forth the lands to be transferred and the general manner in which the Secretary of the Army will develop such lands after transfer.

(B) The Secretary of the Interior shall submit the information required under subparagraph (A) not later than October 31, 1997.

(3) The transfer of lands under paragraph (1) shall be carried out in accordance with

the Interagency Agreement Between the Department of the Interior, the National Park Service, and the Department of the Army, Dated February 22, 1995.

(4) The exact acreage and legal descriptions of the lands to be transferred under paragraph (1) shall be determined by surveys satisfactory to the Secretary of the Interior and the Secretary of the Army.

(b) REQUIREMENT FOR ADDITIONAL TRANSFERS.—(1) The Secretary of the Interior shall transfer to the Secretary of the Army administrative jurisdiction over a parcel of land, including any improvements thereon, consisting of approximately 2.43 acres, located in the Memorial Drive entrance area to Arlington National Cemetery.

(2)(A) The Secretary of the Army shall transfer to the Secretary of the Interior administrative jurisdiction over a parcel of land, including any improvements thereon, consisting of approximately 0.17 acres, located at Arlington National Cemetery, and known as the Old Administrative Building site. The site is part of the original reservation of Arlington National Cemetery.

(B) In connection with the transfer under subparagraph (A), the Secretary of the Army shall grant to the Secretary of the Interior a perpetual right of ingress and egress to the parcel transferred under that subparagraph.

(3) The exact acreage and legal descriptions of the lands to be transferred pursuant to this subsection shall be determined by surveys satisfactory to the Secretary of the Interior and the Secretary of the Army. The costs of such surveys shall be borne by the Secretary of the Army.

SEC. 2822. LAND TRANSFER, POTOMAC ANNEX, DISTRICT OF COLUMBIA.

(a) TRANSFER REQUIRED.—Subject to subsection (b), the Secretary of the Navy shall transfer, without consideration other than the reimbursement provided for in subsection (d), to the United States Institute of Peace (in this section referred to as the ''Institute'') administrative jurisdiction over a parcel of real property, including any improvements thereon, consisting of approximately 3 acres, at the northwest corner of Twenty-third Street and Constitution Avenue, Northwest, District of Columbia, the site of the Potomac Annex.

(b) CONDITION.—The Secretary may not make the transfer specified in subsection (a) unless the Institute agrees to provide the Navy a number of parking spaces at or in the vicinity of the headquarters to be constructed on the parcel transferred equal to the number of parking spaces available to the Navy on the parcel as of the date of the transfer.

(c) REQUIREMENT RELATING TO TRANSFER.—The transfer specified in subsection (a) may not occur until the Institute obtains all permits, approvals, and site plan reviews required by law with respect to the construction on the parcel of a headquarters for operations of the Institute.

(d) COSTS.—The Institute shall reimburse the Secretary for the costs incurred by the Secretary in carrying out the transfer specified in subsection (a).

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be transferred under subsection (a) shall be determined by a survey that is satisfactory to the Secretary. The cost of the survey shall be borne by the Institute.

SEC. 2823. LAND CONVEYANCE, ARMY RESERVE CENTER, MONTPELIER, VERMONT.

(a) CONVEYANCE AUTHORIZED.—Subject to subsection (b), the Secretary of the Army may convey, without consideration, to the City of Montpelier, Vermont (in this section referred to as the ''City''), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 4.3 acres and located on Route 2 in Montpelier, Vermont, the site of the Army Reserve Center, Montpelier, Vermont.

(b) REQUIREMENT FOR FEDERAL SCREENING OF PROPERTY.—The Secretary may not carry out the conveyance of property authorized by subsection (a) unless the Secretary determines that no department or agency of the Federal Government will accept the transfer of the property.

(c) CONDITION.—The conveyance authorized under subsection (a) shall be subject to the condition that the City agree to lease to the Civil Air Patrol, at no rental charge to the Civil Air Patrol, the portion of the real property and improvements located on the parcel to be conveyed that the Civil Air Patrol leases from the Secretary as of the date of the enactment of this Act.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the City.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2824. LAND CONVEYANCE, FORMER NAVAL RESERVE FACILITY, LEWES, DELAWARE.

(a) CONVEYANCE AUTHORIZED.—Subject to subsection (b), the Secretary of the Navy may convey, without consideration, to the State of Delaware (in this section referred to as the ''State''), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 16.8 acres at the site of the former Naval Reserve Facility, Lewes, Delaware.

(b) REQUIREMENT FOR FEDERAL SCREENING OF PROPERTY.—The Secretary may not carry out the conveyance of property authorized by subsection (a) unless the Secretary determines that no department or agency of the Federal Government will accept the transfer of the property.

(c) CONDITION OF CONVEYANCE.—The conveyance under subsection (a) shall be subject to the condition that the State use the real property conveyed under that subsection in perpetuity solely for public park or recreational purposes.

(d) REVERSION.—If the Secretary of the Interior determines at any time that the real property conveyed pursuant to this section is not being used for a purpose specified in subsection (b), all right, title, and interest in and to such real property, including any improvements thereon, shall revert to the United States and the United States shall have the right of immediate entry thereon.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed pursuant to this section shall be determined by a survey satisfactory to the Secretary of the Navy. The cost of such survey shall be borne by the State.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Navy may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2825. LAND CONVEYANCE, RADAR BOMB SCORING SITE, BELLE FOURCHE, SOUTH DAKOTA.

(a) CONVEYANCE AUTHORIZED.—Subject to subsection (b), the Secretary of the Air Force may convey, without consideration, to the Belle Fourche School District, Belle Fourche, South Dakota (in this section referred to as the ''District''), all right, title, and interest of the United States in and to a parcel of real property, together with any improvements thereon, consisting of approximately 37 acres located in Belle Fourche, South Dakota, which has served as the location of a support complex and housing facilities for Detachment 21 of the 554th Range Squadron, an Air Force radar bomb scoring site. The conveyance may not include any portion of the radar bomb scoring site located in the State of Wyoming.

(b) REQUIREMENT FOR FEDERAL SCREENING OF PROPERTY.—The Secretary may not carry out the conveyance of property authorized by subsection (a) unless the Secretary determines that no department or agency of the Federal Government will accept the transfer of the property.

(c) CONDITION OF CONVEYANCE.—The conveyance authorized under subsection (a) shall be subject to the condition that the District—

(1) use the property and facilities conveyed under that subsection for education, economic development, or housing purposes; or

(2) enter into an agreement with an appropriate public or private entity to sell or lease the property and facilities to such entity for such purposes.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property conveyed under this section shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the District.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2826. CONVEYANCE OF PRIMATE RESEARCH COMPLEX, HOLLOMAN AIR FORCE BASE, NEW MEXICO.

(a) CONVEYANCE AUTHORIZED.—Notwithstanding any provision of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.), or any regulations prescribed thereunder, the Secretary of the Air Force may convey all right, title, and interest of the United States in and to the primate research complex at Holloman Air Force Base, New Mexico. The conveyance shall include the colony of chimpanzees owned by the Air Force that are housed at or managed from the primate research complex. The conveyance may not include the real property on which the primate research complex is located.

(b) COMPETITIVE PROCEDURES REQUIRED.—The Secretary shall use competitive procedures in selecting the person or entity to which to make the conveyance authorized by subsection (a).

(c) STANDARDS TO BE USED IN SOLICITATION OF BIDS.—The Secretary shall develop standards for the care and use of the primate research complex, and of chimpanzees, to be used in soliciting bids for the conveyance authorized by subsection (a). The Secretary shall develop such standards in consultation with the Secretary of Agriculture and the Director of the National Institutes of Health.

(d) CONDITIONS OF CONVEYANCE.—The conveyance authorized by subsection (a) shall be subject to the followings conditions:

(1) That the recipient of the primate research complex—

(A) utilize any chimpanzees included in the conveyance only for scientific research or medical research purposes; or

(B) retire and provide adequate care for such chimpanzees.

(2) That the recipient of the primate research complex assume from the Secretary any leases at the primate research complex

that are in effect at the time of the conveyance.

(e) DESCRIPTION OF COMPLEX.—The exact legal description of the primate research complex to be conveyed under subsection (a) shall be determined by a survey or other means satisfactory to the Secretary. The cost of any survey or other services performed at the direction of the Secretary under the authority in the preceding sentence shall be borne by the recipient of the primate research complex.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2827. DEMONSTRATION PROJECT FOR INSTALLATION AND OPERATION OF ELECTRIC POWER DISTRIBUTION SYSTEM AT YOUNGSTOWN AIR RESERVE STATION, OHIO.

(a) AUTHORITY.—The Secretary of the Air Force may carry out a demonstration project to assess the feasibility and advisability of permitting private entities to install, operate, and maintain electric power distribution systems at military installations. The Secretary shall carry out the demonstration project through an agreement under subsection (b).

(b) AGREEMENT.—(1) In order to carry out the demonstration project, the Secretary shall enter into an agreement with an electric utility or other company in the Youngstown, Ohio, area under which the utility or company, as the case may be, installs, operates, and maintains (in a manner satisfactory to the Secretary and the utility or company) an electric power distribution system at Youngstown Air Reserve Station, Ohio.

(2) The Secretary may not enter into an agreement under this subsection until—

(A) the Secretary submits to the congressional defense committees a report on the agreement to be entered into, including the costs to be incurred by the United States under the agreement; and

(B) a period of 21 days has elapsed from the date of the receipt of the report by the committees.

(c) LICENSES AND EASEMENTS.—In order to facilitate the installation, operation, and maintenance of the electric power distribution system under the agreement under subsection (b), the Secretary may grant the utility or company with which the Secretary enters into the agreement such licenses, easements, and rights-of-way as the Secretary and the utility or company, as the case may be, jointly determine necessary for such purposes.

(d) OWNERSHIP OF SYSTEM.—The agreement between the Secretary and the utility or company under subsection (b) may provide that the utility or company, as the case may be, shall own the electric power distribution system installed under the agreement.

(e) RATES.—The rates charged by the utility or company for providing and distributing electric power at Youngstown Air Reserve Station through the electric power distribution system installed under the agreement under subsection (b) may not include the costs, including the amortization of any costs, incurred by the utility or company, as the case may be, in installing the system.

(f) REPORTS.—Not later than February 1, 1997, and February 1 of each year following a year in which the Secretary carries out the demonstration project under this section, the Secretary shall submit to the congressional defense committees a report on the project. The report shall include the Secretary's current assessment of the project and the recommendations, if any, of the Secretary of extending the authority with respect to the project to other facilities and installations of the Department of Defense.

(g) FUNDING.—In order to pay the costs of the United States under the agreement under subsection (b), the Secretary may use funds authorized to be appropriated by section 2601(3)(B) of the Military Construction Authorization Act for Fiscal Year 1996 (division B of Public Law 104–106; 110 Stat. 540) for the purpose of rebuilding the electric power distribution system at the Youngstown Air Reserve Station that were appropriated for that purpose by the Military Construction Appropriations Act, 1996 (Public Law 104–32; 109 Stat. 283) and that remain available for obligation for that purpose as of the date of the enactment of this Act.

(h) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in the agreement under subsection (b) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2828. TRANSFER OF JURISDICTION AND LAND CONVEYANCE, FORT SILL, OKLAHOMA.

(a) TRANSFER OF LAND FOR NATIONAL CEMETERY.—

(1) TRANSFER AUTHORIZED.—The Secretary of the Army may transfer, without reimbursement, to the administrative jurisdiction of the Secretary of Veterans Affairs a parcel of real property (including any improvements thereon) consisting of approximately 400 acres and comprising a portion of Fort Sill, Oklahoma.

(2) USE OF LAND.—The Secretary of Veterans Affairs shall use the real property transferred under paragraph (1) as a national cemetery under chapter 24 of title 38, United States Code.

(3) RETURN OF UNUSED LAND.—If the Secretary of Veterans Affairs determines that any portion of the real property transferred under paragraph (1) is not needed for use as a national cemetery, the Secretary of Veterans Affairs shall return such portion to the administrative jurisdiction of the Secretary of the Army.

(b) LEGAL DESCRIPTION.—The exact acreage and legal description of the real property to be transferred or conveyed under this section shall be determined by surveys that are satisfactory to the Secretary of the Army. The cost of such surveys shall be borne by the recipient of the real property.

SEC. 2829. RENOVATION OF THE PENTAGON RESERVATION.

The Secretary of Defense shall take such action as is necessary to reduce the total cost of the renovation of the Pentagon Reservation to not more than $1,118,000,000.

SEC. 2830. LAND CONVEYANCE, WILLIAM LANGER JEWEL BEARING PLANT, ROLLA, NORTH DAKOTA.

(a) AUTHORITY TO CONVEY.—The Administrator of General Services may convey, without consideration, to the Job Development Authority of the City of Rolla, North Dakota (in this section referred to as the ''Authority''), all right, title, and interest of the United States in and to a parcel of real property, with improvements thereon and all associated personal property, consisting of approximately 9.77 acres and comprising the William Langer Jewel Bearing Plant in Rolla, North Dakota.

(b) CONDITION OF CONVEYANCE.—The conveyance authorized under subsection (a) shall be subject to the condition that the Authority—

(1) use the real and personal property and improvements conveyed under that subsection for economic development relating to the jewel bearing plant;

(2) enter into an agreement with an appropriate public or private entity or person to lease such property and improvements to that entity or person for such economic development; or

(3) enter into an agreement with an appropriate public or private entity or person to sell such property and improvements to that entity or person for such economic development.

(c) PREFERENCE FOR DOMESTIC DISPOSAL OF JEWEL BEARINGS.—(1) In offering to enter into agreements pursuant to any provision of law for the disposal of jewel bearings from the National Defense Stockpile, the President shall give a right of first refusal on all such offers to the Authority or to the appropriate public or private entity or person with which the Authority enters into an agreement under subsection (b).

(2) For the purposes of this section, the term ''National Defense Stockpile'' means the stockpile provided for in section 4 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98(c)).

(d) AVAILABILITY OF FUNDS FOR MAINTENANCE AND CONVEYANCE OF PLANT.—Notwithstanding any other provision of law, funds available in fiscal year 1995 for the maintenance of the William Langer Jewel Bearing Plant in Public Law 103–335 shall be available for the maintenance of that plant in fiscal year 1996, pending conveyance, and for the conveyance of that plant under this section.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property conveyed under this section shall be determined by a survey satisfactory to the Administrator. The cost of the survey shall be borne by the Administrator.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Administrator may require such additional terms and conditions in connection with the conveyance under this section as the Administrator determines appropriate to protect the interests of the United States.

SEC. 2831. REAFFIRMATION OF LAND CONVEYANCES, FORT SHERIDAN, ILLINOIS.

As soon as practicable after the date of the enactment of this Act, the Secretary of the Army shall complete the land conveyances involving Fort Sheridan, Illinois, required or authorized under section 125 of the Military Construction Appropriations Act, 1996 (Public Law 104–32; 109 Stat. 290).

SEC. 2832. LAND CONVEYANCE, CRAFTS BROTHERS RESERVE TRAINING CENTER, MANCHESTER, NEW HAMPSHIRE.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to Saint Anselm College, Manchester, New Hampshire, all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 3.5 acres and located on Rockland Avenue in Manchester, New Hampshire, the site of the Crafts Brothers Reserve Training Center.

(b) REQUIREMENT RELATING TO CONVEYANCE.—The Secretary may not make the conveyance authorized by subsection (a) until the Army Reserve units currently housed at the Crafts Brothers Reserve Training Center are relocated to the Joint Service Reserve Center to be constructed at the Manchester Airport, New Hampshire.

(c) REQUIREMENT FOR FEDERAL SCREENING OF PROPERTY.—The Secretary may not carry out the conveyance of property authorized by subsection (a) unless the Secretary determines that no department or agency of the Federal Government will accept the transfer of the property.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional

terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2833. LAND TRANSFER, VERNON RANGER DISTRICT, KISATCHIE NATIONAL FOREST, LOUISIANA.

(a) TRANSFER PURSUANT TO ADMINISTRATIVE AGREEMENT.—(1) Not later than six months after the date of the enactment of this Act, the Secretary of the Army and the Secretary of Agriculture shall enter into an agreement providing for the transfer to the Secretary of the Army of administrative jurisdiction over such portion of land currently owned by the United States within the Vernon Ranger District of the Kisatchie National Forest, Louisiana, as the Secretary of the Army and the Secretary of Agriculture jointly determine appropriate for military training activities in connection with Fort Polk, Louisiana. The agreement shall allocate responsibility for land management and conservation activities with respect to the property transferred between the Secretary of the Army and the Secretary of Agriculture.

(2) The Secretary of the Army and the Secretary of Agriculture may jointly extend the deadline for entering into an agreement under paragraph (1). The deadline may be extended by not more than six months.

(b) ALTERNATIVE TRANSFER REQUIREMENT.—If the Secretary of the Army and the Secretary of Agriculture fail to enter into the agreement referred to paragraph (1) of subsection (a) within the time provided for in that subsection, the Secretary of Agriculture shall, at the end of such time, transfer to the Secretary of the Army administrative jurisdiction over property consisting of approximately 84,825 acres of land currently owned by the United States and located in the Vernon Ranger District of the Kisatchie National Forest, Louisiana, as generally depicted on the map entitled ''Fort Polk Military Installation map'', dated June 1995.

(c) LIMITATION ON ACQUISITION OF PRIVATE PROPERTY.—The Secretary of the Army may acquire privately-owned land within the property transferred under this section only with the consent of the owner of the land.

(d) USE OF PROPERTY.—(1) Subject to paragraph (2), the Secretary of the Army shall use the property transferred under this section for military maneuvers, training and weapons firing, and other military activities in connection with Fort Polk, Louisiana.

(2) The Secretary may not permit the firing of live ammunition on or over any portion of the property unless the firing of such ammunition on or over such portion is permitted as of the date of the enactment of this Act.

(e) MAP AND LEGAL DESCRIPTION.—(1) As soon as practicable after the date of the transfer of property under this section, the Secretary of Agriculture shall—

(A) publish in the Federal Register a notice containing the legal description of the property transferred; and

(B) file a map and the legal description of the property with the Committee on Energy and Natural Resources, the Committee on Agriculture, Nutrition, and Forestry, and the Committee on Armed Services of the Senate and the Committee on Resources, the Committee on Agriculture, and the Committee on National Security of the House of Representatives.

(2) The maps and legal descriptions prepared under paragraph (1) shall have the same force and effect as if included in this subsection, except that the Secretary of Agriculture may correct clerical and typographical errors in the maps and legal descriptions.

(3) As soon as practicable after the date of the enactment of this Act, copies of the maps and legal descriptions prepared under paragraph (1) shall be available for public inspection in the following offices:

(A) The Office of the Secretary of Agriculture.

(B) Such offices of the United States Forest Service as the Secretary of Agriculture shall designate.

(C) The Office of the Commander of Fort Polk, Louisiana.

(D) The appropriate office in the Vernon Parish Court House, Louisiana.

(f) MANAGEMENT OF PROPERTY.—(1) If the transfer of property under this section occurs under subsection (a), the Secretary of the Army and the Secretary of Agriculture shall manage the property in accordance with the agreement entered into under that subsection.

(2)(A) If the transfer of property under this section occurs under subsection (b), the Secretary of the Army and the Secretary of Agriculture shall manage the property in accordance with the management plan under subparagraph (B) and the memorandum of understanding under subparagraph (C).

(B)(i) For purposes of managing the property under this paragraph, the Secretary of the Army shall, with the concurrence of the Secretary of Agriculture, develop a plan for the management of the property not later than two years after the transfer of the property. The Secretary of the Army shall provide for a period of public comment in developing the plan in order to ensure that the concerns of local citizens are taken into account in the development of the plan. The Secretary of the Army may utilize the property pending the completion of the plan.

(ii) The Secretary of the Army shall develop and implement the plan in compliance with applicable Federal law, including the provisions of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(iii) The plan shall provide for the management of the natural, cultural, and other resources of the property, including grazing, the management of wildlife and wildlife habitat, recreational uses (including hunting and fishing), and non-public uses of non-Federal lands within the property.

(C)(i) For purposes of managing the property under this paragraph, the Secretary of the Army and the Secretary of Agriculture shall enter into a memorandum of understanding in order to provide for—

(I) the implementation of the management plan developed under subparagraph (B); and

(II) the management by the Secretary of Agriculture of such areas of the property as the Secretary of the Army and the Secretary of Agriculture designate for use for non-military purposes.

(ii) The Secretary of the Army and the Secretary of Agriculture may amend the memorandum of understanding by mutual agreement.

(g) REVERSION.—If at any time after the transfer of property under this section the Secretary of the Army determines that the property, or any portion thereof, is no longer to be retained by the Army for possible use for military purposes, jurisdiction over the property, or such portion thereof, shall revert to the Secretary of Agriculture who shall manage the property, or portion thereof, as part of the Kisatchie National Forest.

(h) IDENTIFICATION OF LAND FOR TRANSFER TO FOREST SERVICE.—The Secretary of Defense shall seek to identify land equal in acreage to the land transferred under this section and under the jurisdiction of the Department of Defense that is suitable for transfer to the Secretary of Agriculture for use by the Forest Service.

SEC. 2834. LAND CONVEYANCE, AIR FORCE PLANT NO. 85, COLUMBUS, OHIO.

(a) CONVEYANCE AUTHORIZED.—(1) Notwithstanding any other provision of law, the Secretary of the Air Force may instruct the Administrator of General Services to convey, without consideration, to the Columbus Municipal Airport Authority (in this section referred to as the ''Authority'') all right, title, and interest of the United States in and to a parcel of real property, together with improvements thereon, at Air Force Plant No. 85, Columbus, Ohio, consisting of approximately 240 acres that contains the land and buildings referred to as the ''airport parcel'' in the correspondence from the General Services Administration to the Authority dated April 30, 1996, and is located adjacent to the Port Columbus International Airport.

(2) If the Secretary does not have administrative jurisdiction over the parcel on the date of the enactment of this Act, the conveyance shall be made by the Federal official who has administrative jurisdiction over the parcel as of that date.

(b) REQUIREMENT FOR FEDERAL SCREENING.—The Federal official may not carry out the conveyance of property authorized in subsection (a) unless the Federal official determines, in consultation with the Administrator of General Services, that no department or agency of the Federal Government will accept the transfer of the property.

(c) CONDITION OF CONVEYANCE.—The conveyance required under subsection (a) shall be subject to the condition that the Authority use the conveyed property for public airport purposes.

(d) REVERSION.—If the Federal official making the conveyance under subsection (a) determines that any portion of the conveyed property is not being utilized in accordance with subsection (c), all right, title, and interest in and to such portion shall revert to the United States and the United States shall have immediate right of entry thereon.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Federal official making the conveyance. The cost of the survey shall be borne by the Authority.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Federal official making the conveyance of property under subsection (a) may require such additional terms and conditions in connection with the conveyance as such official considers appropriate to protect the interests of the United States.

SEC. 2835. LAND CONVEYANCE, PINE BLUFF ARSENAL, ARKANSAS.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the Economic Development Alliance of Jefferson County, Arkansas (in this section referred to as the ''Alliance''), all right, title, and interest of the United States in and to a parcel of real property, together with any improvements thereon, consisting of approximately 1,500 acres and comprising a portion of the Pine Bluff Arsenal, Arkansas.

(b) REQUIREMENTS RELATING TO CONVEYANCE.—The Secretary may not carry out the conveyance of property authorized under subsection (a) until—

(1) the completion by the Secretary of any environmental restoration and remediation that is required with the respect to the property under applicable law;

(2) the Secretary secures all permits required under law applicable regarding the conduct of the proposed chemical demilitarization mission at the arsenal; and

(3) the Secretary of Defense submits to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a certification that the conveyance will not adversely affect the ability of the Department of Defense to conduct that chemical demilitarization mission.

(c) CONDITIONS OF CONVEYANCE.—The conveyance authorized under subsection (a) shall be subject to the following conditions:

(1) That the Alliance agree not to carry out any activities on the property to be conveyed that interfere with the construction, operation, and decommissioning of the chemical demilitarization facility to be constructed at Pine Bluff Arsenal. If the Alliance fails to comply with its agreement in paragraph (1) the property conveyed under this section, all rights, title, and interest in and to the property shall revert to the United States and the United States shall have immediate rights of entry thereon.

(2) That the property be used during the 25-year period beginning on the date of the conveyance only as the site of the facility known as the ''Bioplex'', and for activities related thereto.

(d) COSTS OF CONVEYANCE.—The Alliance shall be responsible for any costs of the Army associated with the conveyance of property under this section, including administrative costs, the costs of an environmental baseline survey with respect to the property, and the cost of any protection services required by the Secretary in order to secure operations of the chemical demilitarization facility from activities on the property after the conveyance.

(e) REVERSIONARY INTERESTS.—If the Secretary determines at any time during the 25-year period referred to in subsection (c)(2) that the property conveyed under this section is not being used in accordance with that subsection, all right, title, and interest in and to the property shall revert to the United States and the United States shall have immediate right of entry thereon.

(f) SALE OF PROPERTY BY ALLIANCE.—If at any time during the 25-year period referred to in subsection (c)(2) the Alliance sells all or a portion of the property conveyed under this section, the Alliance shall pay the United States an amount equal to the lesser of—

(1) the amount of the sale of the property sold; or

(2) the fair market value of the property sold at the time of the sale, excluding the value of any improvements to the property sold that have been made by the Alliance.

(g) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property conveyed under this section shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Alliance.

(h) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2836. MODIFICATION OF BOUNDARIES OF WHITE SANDS NATIONAL MONUMENT AND WHITE SANDS MISSILE RANGE.

(a) PURPOSE.—The purpose of this section is to effect an exchange between the Secretary of the Interior and the Secretary of the Army of administrative jurisdiction over the lands described in subsection (c) in order to facilitate administration of the White Sands National Monument and the White Sands Missile Range.

(b) DEFINITIONS.—In this section:

(1) MISSILE RANGE.—The term ''missile range'' means the White Sands Missile Range, New Mexico, administered by the Secretary of the Army.

(2) MONUMENT.—The term ''monument'' means the White Sands National Monument, New Mexico, established by Proclamation No. 2025 (16 U.S.C. 431 note) and administered by the Secretary of the Interior.

(c) EXCHANGE OF JURISDICTION.—The lands exchanged under this Act are the lands generally depicted on the map entitled ''White Sands National Monument, Boundary Proposal'', numbered 142/80,061 and dated January 1994, comprising—

(1) approximately 2,524 acres of land within the monument that is under the jurisdiction of the Secretary of the Army, which are transferred to the Secretary of the Interior;

(2) approximately 5,758 acres of land within the missile range abutting the monument, which are transferred to the Secretary of the Interior; and

(3) approximately 4,277 acres of land within the monument abutting the missile range, which are transferred to the Secretary of the Army.

(d) BOUNDARY MODIFICATION.—The boundary of the monument is modified to include the land transferred to the Secretary of the Interior and exclude the land transferred to the Secretary of the Army by subsection (c). The boundary of the missile range is modified accordingly.

(e) ADMINISTRATION.—

(1) MONUMENT.—The Secretary of the Interior shall administer the lands transferred to the Secretary of the Interior by subsection (c) in accordance with laws (including regulations) applicable to the monument.

(2) MISSILE RANGE.—The Secretary of the Army shall administer the lands transferred to the Secretary of the Army by subsection (c) as part of the missile range.

(3) AIRSPACE.—The Secretary of the Army shall maintain control of the airspace above the lands transferred to the Secretary of the Army by subsection (c) as part of the missile range.

(f) PUBLIC AVAILABILITY OF MAP.—The Secretary of the Interior and the Secretary of the Army shall prepare, and the Secretary of the Interior shall keep on file for public inspection in the headquarters of the monument, a map showing the boundary of the monument as modified by this Act.

(g) WAIVER OF LIMITATION UNDER PRIOR LAW.—Notwithstanding section 303(b)(1) of the National Parks and Recreation Act of 1978 (92 Stat. 3476), land or an interest in land that was deleted from the monument by section 301(19) of the Act (92 Stat. 3475) may be exchanged for land owned by the State of New Mexico within the boundaries of any unit of the National Park System in the State of New Mexico, may be transferred to the jurisdiction of any other Federal agency without monetary consideration, or may be administered as public land, as the Secretary considers appropriate.

SEC. 2837. BANDELIER NATIONAL MONUMENT.

(a) FINDINGS AND PURPOSE.—

(1) FINDINGS.—Congress finds that—

(A) under the provisions of a special use permit, sewage lagoons for Bandelier National Monument, established by Proclamation No. 1322 (16 U.S.C. 431 note) (referred to in this section as the ''monument'') are located on land administered by the Secretary of Energy that is adjacent to the monument; and

(B) modification of the boundary of the monument to include the land on which the sewage lagoons are situated—

(i) would facilitate administration of both the monument and the adjacent land that would remain under the administrative jurisdiction of the Secretary of Energy; and

(ii) can be accomplished at no cost.

(2) PURPOSE.—The purpose of this section is to modify the boundary between the monument and adjacent Department of Energy land to facilitate management of the monument and Department of Energy land.

(b) BOUNDARY MODIFICATION.—

(1) TRANSFER OF ADMINISTRATIVE JURISDICTION.—There is transferred from the Secretary of Energy to the Secretary of the Interior administrative jurisdiction over the land comprising approximately 4.47 acres depicted on the map entitled ''Boundary Map, Bandelier National Monument'', No. 315/80,051, dated March 1995.

(2) BOUNDARY MODIFICATION.—The boundary of the monument is modified to include the land transferred by paragraph (1).

(3) PUBLIC AVAILABILITY OF MAP.—The map described in paragraph (1) shall be on file and available for public inspection in the Lands Office at the Southwest System Support Office of the National Park Service, Santa Fe, New Mexico, and in the Superintendent's Office of Bandelier National Monument.

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs Authorizations

SEC. 3101. WEAPONS ACTIVITIES.

(a) STOCKPILE STEWARDSHIP.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1997 for stockpile stewardship in carrying out weapons activities necessary for national security programs in the amount of $1,636,767,000, to be allocated as follows:

(1) For core stockpile stewardship, $1,200,907,000, to be allocated as follows:

(A) For operation and maintenance, $1,112,570,000.

(B) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $88,337,000, to be allocated as follows:

Project 96–D–102, stockpile stewardship facilities revitalization, Phase VI, various locations, $19,250,000.

Project 96–D–103, ATLAS, Los Alamos National Laboratory, Los Alamos, New Mexico, $15,100,000.

Project 96–D–104, processing and environmental technology laboratory (PETL), Sandia National Laboratories, Albuquerque, New Mexico, $14,100,000.

Project 96–D–105, contained firing facility addition, Lawrence Livermore National Laboratory, Livermore, California, $17,100,000.

Project 95–D–102, Chemical and Metallurgy Research Building upgrades project, Los Alamos National Laboratory, Los Alamos, New Mexico, $15,000,000.

Project 94–D–102, nuclear weapons research, development, and testing facilities revitalization, Phase V, various locations, $7,787,000.

(2) For inertial fusion, $366,460,000, to be allocated as follows:

(A) For operation and maintenance, $234,560,000.

(B) For the following plant project (including maintenance, restoration, planning, construction, acquisition, and modification of facilities, and land acquisition related thereto):

Project 96–D–111, national ignition facility, location to be determined, $131,900,000.

(3) For technology transfer and education, $69,400,000.

(b) STOCKPILE MANAGEMENT.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1997 for stockpile management in carrying out weapons activities necessary for national security programs in the amount of $1,988,831,000, to be allocated as follows:

(1) For operation and maintenance, $1,894,470,000.

(2) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and

the continuation of projects authorized in prior years, and land acquisition related thereto), $94,361,000, to be allocated as follows:

Project 97–D–121, consolidated pit packaging system, Pantex Plant, Amarillo, Texas, $870,000.

Project 97–D–122, nuclear materials storage facility renovation, Los Alamos National Laboratory, Los Alamos, New Mexico, $4,000,000.

Project 97–D–123, structural upgrades, Kansas City Plant, Kansas City, Missouri, $1,400,000.

Project 97–D–124, steam plant waste water treatment facility upgrade, Y–12 plant, Oak Ridge, Tennessee, $600,000.

Project 96–D–122, sewage treatment quality upgrade (STQU), Pantex Plant, Amarillo, Texas, $100,000.

Project 96–D–123, retrofit heating, ventilation, and air conditioning and chillers for ozone protection, Y–12 plant, Oak Ridge, Tennessee, $7,000,000.

Project 96–D–125, Washington measurements operations facility, Andrews Air Force Base, Camp Springs, Maryland, $3,825,000.

Project 95–D–122, sanitary sewer upgrade, Y–12 plant, Oak Ridge, Tennessee, $10,900,000.

Project 94–D–124, hydrogen fluoride supply system, Y–12 plant, Oak Ridge, Tennessee, $4,900,000.

Project 94–D–125, upgrade life safety, Kansas City Plant, Kansas City, Missouri, $5,200,000.

Project 94–D–127, emergency notification system, Pantex Plant, Amarillo, Texas, $2,200,000.

Project 93–D–122, life safety upgrades, Y–12 plant, Oak Ridge, Tennessee, $7,200,000.

Project 93–D–123, non-nuclear reconfiguration, complex-21, various locations, $14,487,000.

Project 88–D–122, facilities capability assurance program, various locations, $21,940,000.

Project 88–D–123, security enhancement, Pantex Plant, Amarillo, Texas, $9,739,000.

(c) PROGRAM DIRECTION.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1997 for program direction in carrying out weapons activities necessary for national security programs in the amount of $323,404,000.

SEC. 3102. ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT.

(a) ENVIRONMENTAL RESTORATION.—Subject to subsection (j), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1997 for environmental restoration in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $1,777,194,000.

(b) WASTE MANAGEMENT.—Subject to subsection (j), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1997 for waste management in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $1,601,653,000, to be allocated as follows:

(1) For operation and maintenance, $1,513,326,000.

(2) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $88,327,000, to be allocated as follows:

Project 97–D–402, tank restoration and safe operations, Richland, Washington, $7,584,000.

Project 96–D–408, waste management upgrades, various locations, $11,246,000.

Project 95–D–402, install permanent electrical service, Waste Isolation Pilot Plant, Carlsbad, New Mexico, $752,000.

Project 95–D–405, industrial landfill V and construction/demolition landfill VII, Phase III, Y–12 Plant, Oak Ridge, Tennessee, $200,000.

Project 94–D–404, Melton Valley storage tank capacity increase, Oak Ridge National Laboratory, Oak Ridge, Tennessee, $6,345,000.

Project 94–D–407, initial tank retrieval systems, Richland, Washington, $12,600,000.

Project 93–D–182, replacement of cross-site transfer system, Richland, Washington, $8,100,000.

Project 93–D–187, high-level waste removal from filled waste tanks, Savannah River Site, South Carolina, $20,000,000.

Project 89–D–174, replacement high-level waste evaporator, Savannah River Site, Aiken, South Carolina, $11,500,000.

Project 86–D–103, decontamination and waste treatment facility, Lawrence Livermore National Laboratory, Livermore, California, $10,000,000.

(c) TECHNOLOGY DEVELOPMENT.—Subject to subsection (j), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1997 for technology development in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $328,771,000.

(d) NUCLEAR MATERIALS AND FACILITIES STABILIZATION.—Subject to subsection (j), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1997 for nuclear materials and facilities stabilization in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $994,821,000, to be allocated as follows:

(1) For operation and maintenance, $909,664,000.

(2) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $85,157,000, to be allocated as follows:

Project 97–D–450, actinide packaging and storage facility, Savannah River Site, Aiken, South Carolina, $7,900,000.

Project 97–D–451, B–plant safety class ventilation upgrades, Richland, Washington, $1,500,000.

Project 96–D–406, spent nuclear fuels canister storage and stabilization facility, Richland, Washington, $60,672,000.

Project 96–D–464, electrical and utility systems upgrade, Idaho Chemical Processing Plant, Idaho National Engineering Laboratory, Idaho, $10,440,000.

Project 95–D–456, security facilities upgrade, Idaho Chemical Processing Plant, Idaho National Engineering Laboratory, Idaho, $4,645,000.

(e) POLICY AND MANAGEMENT.—Subject to subsection (j), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1997 policy and management activities (including development and direction of policy, training and education, and management) in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $26,155,000.

(f) SITE OPERATIONS.—Subject to subsection (j), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1997 for site operations in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $363,469,000, to be allocated as follows:

(1) For operation and maintenance, $331,054,000.

(2) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $32,415,000, to be allocated as follows:

Project 96–D–461, electrical distribution upgrade, Idaho National Engineering Laboratory, Idaho, $6,790,000.

Project 96–D–470, environmental monitoring laboratory, Savannah River Site, Aiken, South Carolina, $2,500,000.

Project 96–D–471, chlorofluorocarbon heating, ventilation, and air conditioning and chiller retrofit, Savannah River Site, Aiken, South Carolina, $8,541,000.

Project 96–D–473, health physics site support facility, Savannah River Site, Aiken, South Carolina, $2,000,000.

Project 95–E–600, hazardous materials management and emergency response training center, Richland, Washington, $7,900,000.

Project 95–D–155, upgrade site road infrastructure, Savannah River, South Carolina, $4,137,000.

Project 94–D–401, emergency response facility, Idaho National Engineering Laboratory, Idaho, $547,000.

(g) ENVIRONMENTAL SCIENCE AND RISK POLICY.—Subject to subsection (j), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1997 for environmental science and risk policy activities in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $52,136,000.

(h) ENVIRONMENTAL MANAGEMENT PRIVATIZATION.—Subject to subsection (j), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1997 for environmental management privatization activities in carrying out environmental restoration and waste management necessary for national security programs in the amount of $185,000,000.

(i) PROGRAM DIRECTION.—Subject to subsection (j), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1997 for program direction in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $436,511,000.

(j) ADJUSTMENTS.—The total amount authorized to be appropriated pursuant to this section is the sum of the amounts authorized to be appropriated in subsections (a) through (i) reduced by the sum of—

(1) $150,400,000, for use of prior year balances; and

(2) $8,000,000, for Savannah River Pension Refund.

SEC. 3103. OTHER DEFENSE ACTIVITIES.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1997 for other defense activities in carrying out programs necessary for national security in the amount of $1,560,700,000, to be allocated as follows:

(1) For verification and control technology, $456,348,000, to be allocated as follows:

(A) For nonproliferation and verification research and development, $204,919,000.

(B) For arms control, $216,244,000.

(C) For intelligence, $35,185,000.

(2) For nuclear safeguards and security, $47,208,000.

(3) For security investigations, $22,000,000.

(4) For environment, safety, and health, defense, $53,094,000.

(5) For program direction, environment, safety, and health, defense, $10,706,000.

(6) For worker and community transition assistance, $62,659,000.

(7) For program direction, worker and community transition assistance, $4,341,000.

(8) For fissile materials $93,796,000, to be allocated as follows:

(A) For control and disposition, $73,163,000.

(B) For the following plant project (including maintenance, restoration, planning, construction, acquisition, and modification of facilities, and land acquisition related thereto):

Project 97–D–140, consolidated special nuclear materials storage plant, location to be determined, $17,000,000.

(C) For program direction, $3,633,000.

(9) For emergency management, $16,794,000.

(10) For program direction, nonproliferation and national security, $90,622,000.

(11) For naval reactors development, $681,932,000, to be allocated as follows:

(A) For operation and infrastructure, $649,330,000.

(B) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $13,700,000, to be allocated as follows:

Project 97–D–201, advanced test reactor secondary coolant system upgrades Idaho National Engineering Laboratory, Idaho, $400,000.

Project 95–D–200, laboratory systems and hot cell upgrades, various locations, $4,800,000.

Project 95–D–201, advanced test reactor radioactive waste system upgrades, Idaho National Engineering Laboratory, Idaho, $500,000.

Project 90–N–102, expended core facility dry cell project, Naval Reactors Facility, Idaho, $8,000,000.

(C) For program direction, $18,902,000.

(12) For international nuclear safety, $15,200,000.

(13) For nuclear security, $6,000,000.

SEC. 3104. DEFENSE NUCLEAR WASTE DISPOSAL.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1996 for payment to the Nuclear Waste Fund established in section 302(c) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(c)) in the amount of $200,000,000.

Subtitle B—Recurring General Provisions

SEC. 3121. REPROGRAMMING.

(a) IN GENERAL.—Until the Secretary of Energy submits to the congressional defense committees the report referred to in subsection (b) and a period of 30 days has elapsed after the date on which such committees receive the report, the Secretary may not use amounts appropriated pursuant to this title for any program—

(1) in amounts that exceed, in a fiscal year—

(A) 110 percent of the amount authorized for that program by this title; or

(B) $1,000,000 more than the amount authorized for that program by this title; or

(2) which has not been presented to, or requested of, Congress.

(b) REPORT.—(1) The report referred to in subsection (a) is a report containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action.

(2) In the computation of the 30-day period under subsection (a), there shall be excluded any day on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain.

(c) LIMITATIONS.—(1) In no event may the total amount of funds obligated pursuant to this title exceed the total amount authorized to be appropriated by this title.

(2) Funds appropriated pursuant to this title may not be used for an item for which Congress has specifically denied funds.

SEC. 3122. LIMITS ON GENERAL PLANT PROJECTS.

(a) IN GENERAL.—The Secretary of Energy may carry out any construction project under the general plant projects authorized by this title if the total estimated cost of the construction project does not exceed $5,000,000.

(b) REPORT TO CONGRESS.—If, at any time during the construction of any general plant project authorized by this title, the estimated cost of the project is revised because of unforeseen cost variations and the revised cost of the project exceeds $5,000,000, the Secretary shall immediately furnish a complete report to the congressional defense committees explaining the reasons for the cost variation.

(c) STUDY ON PERMANENT AUTHORIZATION FOR GENERAL PLANT PROJECTS.—Not later than February 1, 1997, the Secretary of Energy shall report to the appropriate congressional committees on the need for, and desirability of, a permanent authorization formula for defense and civilian general plant projects in the Department of Energy that includes periodic adjustments for inflation, including any legislative recommendations to enact such formula into permanent law. The report of the Secretary shall describe actions that would be taken by the Department to provide for cost control of general plant projects, taking into account the size and nature of such projects.

SEC. 3123. LIMITS ON CONSTRUCTION PROJECTS.

(a) IN GENERAL.—(1) Except as provided in paragraph (2), construction on a construction project may not be started or additional obligations incurred in connection with the project above the total estimated cost, whenever the current estimated cost of the construction project, which is authorized by section 3101, 3102, or 3103, or which is in support of national security programs of the Department of Energy and was authorized by any previous Act, exceeds by more than 25 percent the higher of—

(A) the amount authorized for the project; or

(B) the amount of the total estimated cost for the project as shown in the most recent budget justification data submitted to Congress.

(2) An action described in paragraph (1) may be taken if—

(A) the Secretary of Energy has submitted to the congressional defense committees a report on the actions and the circumstances making such action necessary; and

(B) a period of 30 days has elapsed after the date on which the report is received by the committees.

(3) In the computation of the 30-day period under paragraph (2), there shall be excluded any day on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain.

(b) EXCEPTION.—Subsection (a) shall not apply to any construction project which has a current estimated cost of less than $5,000,000.

SEC. 3124. FUND TRANSFER AUTHORITY.

(a) TRANSFER TO OTHER FEDERAL AGENCIES.—The Secretary of Energy may transfer funds authorized to be appropriated to the Department of Energy pursuant to this title to other Federal agencies for the performance of work for which the funds were authorized. Funds so transferred may be merged with and be available for the same purposes and for the same period as the authorizations of the Federal agency to which the amounts are transferred.

(b) TRANSFER WITHIN DEPARTMENT OF ENERGY; LIMITATIONS.—(1) Subject to paragraph (2), the Secretary of Energy may transfer funds authorized to be appropriated to the Department of Energy pursuant to this title between any such authorizations. Amounts of authorizations so transferred may be merged with and be available for the same purposes and for the same period as the authorization to which the amounts are transferred.

(2) Not more than five percent of any such authorization may be transferred between authorizations under paragraph (1). No such authorization may be increased or decreased by more than five percent by a transfer under such paragraph.

(3) The authority provided by this section to transfer authorizations—

(A) may only be used to provide funds for items relating to weapons activities necessary for national security programs that have a higher priority than the items from which the funds are transferred; and

(B) may not be used to provide authority for an item that has been denied funds by Congress.

(c) NOTICE TO CONGRESS.—The Secretary of Energy shall promptly notify the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives of any transfer of funds to or from authorizations under this title.

SEC. 3125. AUTHORITY FOR CONCEPTUAL AND CONSTRUCTION DESIGN.

(a) REQUIREMENT FOR CONCEPTUAL DESIGN.—(1) Subject to paragraph (2) and except as provided in paragraph (3), before submitting to Congress a request for funds for a construction project that is in support of a national security program of the Department of Energy, the Secretary of Energy shall complete a conceptual design for that project. The Secretary shall submit to Congress a report on each conceptual design completed under this paragraph.

(2) If the estimated cost of completing a conceptual design for a construction project exceeds $3,000,000, the Secretary shall submit to Congress a request for funds for the conceptual design before submitting a request for funds for the construction project.

(3) The requirement in paragraph (1) does not apply to a request for funds—

(A) for a construction project the total estimated cost of which is less than $5,000,000; or

(B) for emergency planning, design, and construction activities under section 3126.

(b) AUTHORITY FOR CONSTRUCTION DESIGN.—(1) Within the amounts authorized by this title, the Secretary of Energy may carry out construction design (including architectural and engineering services) in connection with any proposed construction project if the total estimated cost for such design does not exceed $600,000.

(2) If the total estimated cost for construction design in connection with any construction project exceeds $600,000, funds for such design must be specifically authorized by law.

SEC. 3126. AUTHORITY FOR EMERGENCY PLANNING, DESIGN, AND CONSTRUCTION ACTIVITIES.

(a) AUTHORITY.—The Secretary of Energy may use any funds available to the Department of Energy pursuant to an authorization in this title, including those funds authorized to be appropriated for advance planning and construction design under sections 3101, 3102, and 3103, to perform planning, design, and construction activities for any Department of Energy national security program construction project that, as determined by the Secretary, must proceed expeditiously in order to protect public health and safety, to meet the needs of national defense, or to protect property.

(b) LIMITATION.—The Secretary may not exercise the authority under subsection (a)

in the case of any construction project until the Secretary has submitted to the congressional defense committees a report on the activities that the Secretary intends to carry out under this section and the circumstances making such activities necessary.

(c) SPECIFIC AUTHORITY.—The requirement of section 3125(b)(2) does not apply to emergency planning, design, and construction activities conducted under this section.

SEC. 3127. FUNDS AVAILABLE FOR ALL NATIONAL SECURITY PROGRAMS OF THE DEPARTMENT OF ENERGY.

Subject to the provisions of appropriations Acts and section 3121, amounts appropriated pursuant to this title for management and support activities and for general plant projects are available for use, when necessary, in connection with all national security programs of the Department of Energy.

SEC. 3128. AVAILABILITY OF FUNDS.

When so specified in an appropriations Act, amounts appropriated for operation and maintenance or for plant projects may remain available until expended.

Subtitle C—Program Authorizations, Restrictions, and Limitations

SEC. 3131. TRITIUM PRODUCTION.

(a) ACCELERATION OF TRITIUM PRODUCTION.—(1) The Secretary of Energy shall, during fiscal year 1997, make a final decision on the technologies to be utilized, and the accelerated schedule to be adopted, for tritium production in order to meet the requirements of the Nuclear Weapons Stockpile Memorandum relating to tritium production, including the new tritium production date of 2005 specified in the Nuclear Weapons Stockpile Memorandum.

(2) In making the final decision, the Secretary shall take into account the following:

(A) The requirements for tritium production specified in the Nuclear Weapons Stockpile Memorandum, including, in particular, the requirements for the ''upload hedge'' component of the nuclear weapons stockpile.

(B) The ongoing activities of the Department relating to the evaluation and demonstration of technologies under the accelerator reactor program and the commercial light water reactor program.

(b) REPORT.—(1) Not later than April 15, 1997, the Secretary shall submit to the Congress a report that sets forth the final decision of the Secretary under subsection (a)(1). The report shall set forth in detail—

(A) the technologies decided on under that subsection; and

(B) the accelerated schedule for the production of tritium decided on under that subsection.

(2) If the Secretary determines that it is not possible to make the final decision by the date specified in paragraph (1), the Secretary shall submit to Congress on that date a report that explains in detail why the final decision cannot be made by that date.

(c) NEW TRITIUM PRODUCTION FACILITY.—The Secretary shall commence planning and design activities and infrastructure development for a new tritium production facility.

(d) IN-REACTOR TESTS.—The Secretary may perform in-reactor tests of tritium target rods as part of the activities carried out under the commercial light water reactor program.

(e) FUNDING.—Of the funds authorized to be appropriated to the Department of Energy pursuant to section 3101(b)(1)—

(1) not more than $45,000,000 shall be available for research, development, and technology demonstration activities and other activities relating to the production of tritium in accelerators;

(2) not more than $15,000,000 shall be available for the commercial light water reactor project, including activities relating to target development, extraction capability, and reactor acquisition or initial tritium operations; and

(3) not more than $100,000,000 shall be available for other tritium production research activities.

SEC. 3132. MODERNIZATION AND CONSOLIDATION OF TRITIUM RECYCLING FACILITIES.

(a) IN GENERAL.—The Secretary of Energy shall carry out activities to modernize and consolidate the facilities for recycling tritium for weapons at the Savannah River Site, South Carolina, so as to ensure that such facilities have a capacity to recycle tritium from weapons that is adequate to meet the tritium requirements for weapons specified in the Nuclear Weapons Stockpile Memorandum.

(b) FUNDING.—Of the funds authorized to be appropriated to the Department of Energy pursuant to section 3101, not more than $6,000,000 shall be available for activities under subsection (a).

SEC. 3133. MODIFICATION OF REQUIREMENTS FOR MANUFACTURING INFRASTRUCTURE FOR REFABRICATION AND CERTIFICATION OF NUCLEAR WEAPONS STOCKPILE.

(a) GENERAL PROGRAM REQUIREMENTS.—Subsection (a) of section 3137 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 620; 42 U.S.C. 2121 note) is amended—

(1) by inserting ''(1)'' before ''The Secretary of Energy'';

(2) by redesignating paragraphs (1) through (5) as subparagraphs (A) through (E), respectively; and

(3) by adding at the end the following:

''(2) The purpose of the program carried out under paragraph (1) shall also be to develop manufacturing capabilities and capacities necessary to meet the requirements specified in the annual Nuclear Weapons Stockpile Review.''.

(b) REQUIRED CAPABILITIES.—Subsection (b)(3) of such section is amended to read as follows:

''(3) The capabilities of the Savannah River Site relating to tritium recycling and fissile materials components processing and fabrication.''.

(c) PLAN AND REPORT.—Not later than March 1, 1997, the Secretary of Energy shall submit to Congress a report containing a plan for carrying out the program established under section 3137(a) of the National Defense Authorization Act for Fiscal Year 1996, as amended by this section. The report shall set forth the obligations that the Secretary has incurred, and proposes to incur, during fiscal year 1997 in carrying out the program.

(d) FUNDING.—Of the funds authorized to be appropriated pursuant to section 3101(b), $5,000,000 shall be available for carrying out the program established under section 3137(a) of the National Defense Authorization Act for Fiscal Year 1996, as so amended.

SEC. 3134. LIMITATION ON USE OF FUNDS FOR CERTAIN RESEARCH AND DEVELOPMENT PURPOSES.

(a) LIMITATION.—No funds appropriated or otherwise made available to the Department of Energy for fiscal year 1997 under section 3101 may be obligated or expended for activities under the Department of Energy Laboratory Directed Research and Development Program, or under any Department of Energy technology transfer program or cooperative research and development agreement, unless such activities support the national security mission of the Department of Energy.

(b) ANNUAL REPORT.—(1) The Secretary of Energy shall annually submit to the congressional defense committees a report on the funds expended during the preceding fiscal year on activities under the Department of Energy Laboratory Directed Research and Development Program. The purpose of the report is to permit an assessment of the extent to which such activities support the national security mission of the Department of Energy.

(2) Each report shall be prepared by the officials responsible for Federal oversight of the funds expended on activities under the program.

(3) Each report shall set forth the criteria utilized by the officials preparing the report in determining whether or not the activities reviewed by such officials support the national security mission of the Department.

SEC. 3135. ACCELERATED SCHEDULE FOR ISOLATING HIGH-LEVEL NUCLEAR WASTE AT THE DEFENSE WASTE PROCESSING FACILITY, SAVANNAH RIVER SITE.

The Secretary of Energy shall accelerate the schedule for the isolation of high-level nuclear waste in glass canisters at the Defense Waste Processing Facility at the Savannah River Site if the Secretary determines that the acceleration of such schedule—

(1) will achieve long-term cost savings to the Federal Government; and

(2) could accelerate the removal and isolation of high-level nuclear waste from long-term storage tanks at the site.

SEC. 3136. PROCESSING OF HIGH-LEVEL NUCLEAR WASTE AND SPENT NUCLEAR FUEL RODS.

(a) IN GENERAL.—In order to provide for an effective response to requirements for managing spent nuclear fuel that is sent to Department of Energy consolidation sites pursuant to the Department of Energy Programmatic Spent Nuclear Fuel Management and Idaho National Engineering Laboratory Environmental Restoration and Waste Management Programs Final Environmental Impact Statement, dated April 1995, there shall be available to the Secretary of Energy, from amounts authorized to be appropriated pursuant to section 3102(b), the following amounts for the purposes stated:

(1) Not more than $65,700,000 for the development and implementation of a program for the processing, reprocessing, separation, reduction, isolation, and interim storage of high-level nuclear waste associated with Department of Energy aluminum clad spent fuel rods and foreign spent fuel rods in the H-canyon facility and F-canyon facility.

(2) Not more than $80,000,000 for the development and implementation of a program for the treatment, preparation, and conditioning of high-level nuclear waste associated with Department of Energy non-aluminum clad spent nuclear fuel rods (including naval spent nuclear fuel) for interim storage and final disposition.

(b) UPDATE OF IMPLEMENTATION PLAN.—Not later than April 30, 1997, the Secretary shall submit to Congress a plan which updates the five-year plan required by section 3142(b) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 622). The updated plan shall include—

(1) the matters required by paragraphs (1) through (4) of such section, current as of the date of the updated plan; and

(2) the assessment of the Secretary of the progress made in implementing the program covered by the plans.

SEC. 3137. FELLOWSHIP PROGRAM FOR DEVELOPMENT OF SKILLS CRITICAL TO DEPARTMENT OF ENERGY NUCLEAR WEAPONS COMPLEX.

(a) FUNDING.—Subject to subsection (b), of the funds authorized to be appropriated pursuant to section 3101(b), $5,000,000 may be

used for conducting the fellowship program for the development of skills critical to the ongoing mission of the Department of Energy nuclear weapons complex required by section 3140 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 621; 42 U.S.C. 2121 note).

(b) NOTICE AND WAIT.—The Secretary of Energy may not obligate or expend funds under subsection (a) for the fellowship program referred to in that subsection until—

(1) the Secretary submits to Congress a report setting forth—

(A) the steps the Department has taken to implement the fellowship program;

(B) the amount the Secretary proposes to obligate; and

(C) the purposes for which such amount will be obligated; and

(2) a period of 21 days elapses from the date of the receipt of the report by Congress.

SEC. 3138. PAYMENT OF COSTS OF OPERATION AND MAINTENANCE OF INFRASTRUCTURE AT NEVADA TEST SITE.

Notwithstanding any other provision of law and effective as of September 30, 1996, the costs associated with operating and maintaining the infrastructure at the Nevada Test Site, Nevada, with respect to any activities initiated at the site after that date by the Department of Defense pursuant to a work for others agreement may be paid for from funds authorized to be appropriated to the Department of Energy for activities at the Nevada Test Site.

Subtitle D—Other Matters

SEC. 3151. REQUIREMENT FOR ANNUAL FIVE-YEAR BUDGET FOR THE NATIONAL SECURITY PROGRAMS OF THE DEPARTMENT OF ENERGY.

(a) REQUIREMENT.—The Secretary of Energy shall prepare each year a budget for the national security programs of the Department of Energy for the five-year period beginning in the year the budget is prepared. Each budget shall contain the estimated expenditures and proposed appropriations necessary to support the programs, projects, and activities of the national security programs during the five-year period covered by the budget and shall be at a level of detail comparable to that contained in the budget submitted by the President to Congress under section 1105 of title 31, United States Code.

(b) SUBMITTAL.—The Secretary shall submit each year to the congressional defense committees the budget required under subsection (a) in that year at the same time as the President submits to Congress the budget for the coming fiscal year pursuant to such section 1105.

SEC. 3152. REQUIREMENTS FOR DEPARTMENT OF ENERGY WEAPONS ACTIVITIES BUDGETS FOR FISCAL YEARS AFTER FISCAL YEAR 1997.

(a) IN GENERAL.—The weapons activities budget of the Department of Energy for any fiscal year after fiscal year 1997 shall—

(1) set forth with respect to each of the activities under the budget (including stockpile stewardship, stockpile management, and program direction) the funding requested to carry out each project or activity that is necessary to meet the requirements of the Nuclear Weapons Stockpile Memorandum; and

(2) identify specific infrastructure requirements arising from the Nuclear Posture Review, the Nuclear Weapons Stockpile Memorandum, and the programmatic and technical requirements associated with the review and memorandum.

(b) REQUIRED DETAIL.—The Secretary of Energy shall include in the materials that the Secretary submits to Congress in support of the budget for any fiscal year after fiscal year 1997 that is submitted by the President pursuant to section 1105 of title 31, United States Code, the following:

(1) A long-term program plan, and a near-term program plan, for the certification and stewardship of the nuclear weapons stockpile.

(2) An assessment of the effects of the plans referred to in paragraph (1) on each nuclear weapons laboratory and each nuclear weapons production plant.

(c) DEFINITIONS.—In this section:

(1) The term ''Nuclear Posture Review'' means the Department of Defense Nuclear Posture Review as contained in the report of the Secretary of Defense to the President and the Congress dated February 19, 1995, or in subsequent such reports.

(2) The term ''nuclear weapons laboratory'' means the following:

(A) Lawrence Livermore National Laboratory, California.

(B) Los Alamos National Laboratory, New Mexico.

(C) Sandia National Laboratories.

(3) The term ''nuclear weapons production plant'' means the following:

(A) The Pantex Plant.

(B) The Savannah River Site.

(C) The Kansas City Plant, Missouri.

(D) The Y–12 Plant, Oak Ridge, Tennessee.

SEC. 3153. REPEAL OF REQUIREMENT RELATING TO ACCOUNTING PROCEDURES FOR DEPARTMENT OF ENERGY FUNDS.

Section 3151 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 3089) is repealed.

SEC. 3154. PLANS FOR ACTIVITIES TO PROCESS NUCLEAR MATERIALS AND CLEAN UP NUCLEAR WASTE AT THE SAVANNAH RIVER SITE.

(a) NEAR-TERM PLAN FOR PROCESSING SPENT FUEL RODS.—(1) Not later than March 15, 1997, the Secretary of Energy shall submit to Congress a plan for a near-term program to process the spent nuclear fuel rods described in paragraph (2) in the H-canyon facility and the F-canyon facility at the Savannah River Site. The plan shall include cost projections and resource requirements for the program and identify program milestones for the program.

(2) The spent nuclear fuel rods to be processed under the program referred to in paragraph (1) are the following:

(A) Spent nuclear fuel rods produced at the Savannah River Site.

(B) Spent nuclear fuel rods being sent to the site from other Department of Energy facilities for processing, interim storage, and other treatment.

(C) Foreign nuclear spent fuel rods being sent to the site for processing, interim storage, and other treatment.

(b) MULTI-YEAR PLAN FOR CLEAN-UP AT SITE.—The Secretary shall develop and implement a multi-year plan for the clean-up of nuclear waste at the Savannah River Site that results, or has resulted, from the following:

(1) Nuclear weapons activities carried out at the site.

(2) The processing of Department of Energy domestic and foreign spent nuclear fuel rods at the site.

(c) REQUIREMENT FOR CONTINUING OPERATIONS.—The Secretary shall continue operations and maintain a high state of readiness at the H-canyon facility and the F-canyon facility at the Savannah River Site, and shall provide technical staff necessary to operate and so maintain such facilities, pending the development and implementation of the plan referred to in subsection (b).

SEC. 3155. UPDATE OF REPORT ON NUCLEAR TEST READINESS POSTURES.

Not later than February 15, 1997, the Secretary of Energy shall submit to Congress a report which updates the report submitted by the Secretary under section 3152 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 623). The updated report shall include the matters specified under such section, current as of the date of the updated report.

SEC. 3156. REPORTS ON CRITICAL DIFFICULTIES AT NUCLEAR WEAPONS LABORATORIES AND NUCLEAR WEAPONS PRODUCTION PLANTS.

(a) REPORTS BY HEADS OF LABORATORIES AND PLANTS.—In the event of a difficulty at a nuclear weapons laboratory or a nuclear weapons production plant that has a significant bearing on confidence in the safety or reliability of a nuclear weapon or nuclear weapon type, the head of the laboratory or plant, as the case may be, shall submit to the Assistant Secretary of Energy for Defense Programs a report on the difficulty. The head of the laboratory or plant shall submit the report as soon as practicable after discovery of the difficulty.

(b) TRANSMITTAL BY ASSISTANT SECRETARY.—As soon as practicable after receipt of a report under subsection (a), the Assistant Secretary shall transmit the report (together with the comments of the Assistant Secretary) to the congressional defense committees and to the Secretary of Energy and the Secretary of Defense.

(c) REPORTS BY NUCLEAR WEAPONS COUNCIL.—Section 179 of title 10, United States Code, is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following new subsection (e):

''(e) In addition to the responsibilities set forth in subsection (d), the Council shall also submit to Congress a report on any analysis conducted by the Council with respect to difficulties at nuclear weapons laboratories or nuclear weapons production plants that have significant bearing on confidence in the safety or reliability of nuclear weapons or nuclear weapon types.''.

(d) DEFINITIONS.—In this section:

(1) The term ''nuclear weapons laboratory'' means the following:

(A) Lawrence Livermore National Laboratory, California.

(B) Los Alamos National Laboratory, New Mexico.

(C) Sandia National Laboratories.

(2) The term ''nuclear weapons production plant'' means the following:

(A) The Pantex Plant.

(B) The Savannah River Site.

(C) The Kansas City Plant, Missouri.

(D) The Y–12 Plant, Oak Ridge, Tennessee.

SEC. 3157. EXTENSION OF APPLICABILITY OF NOTICE-AND-WAIT REQUIREMENT REGARDING PROPOSED COOPERATION AGREEMENTS.

Section 3155(b) of the National Defense Authorization Act for Fiscal Year 1995 (42 U.S.C. 2153 note) is amended by striking out ''October 1, 1996'' and inserting in lieu thereof ''December 31, 1997''.

SEC. 3158. SENSE OF CONGRESS RELATING TO REDESIGNATION OF DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT PROGRAM.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the program of the Department of Energy known as the Defense Environmental Restoration and Waste Management Program, and also known as the Environmental Management Program, be redesignated as the Defense Nuclear Waste Management Program of the Department of Energy.

(b) REPORT ON REDESIGNATION.—Not later than January 31, 1997, the Secretary of Energy shall submit to the congressional defense committees a report on the costs and other difficulties, if any, associated with the following:

(1) The redesignation of the program of known as the Defense Environmental Restoration and Waste Management Program,

and also known as the Environmental Management Program, as the Defense Nuclear Waste Management Program of the Department of Energy.

(2) The redesignation of the Defense Environmental Restoration and Waste Management Account as the Defense Nuclear Waste Management Account.

SEC. 3159. COMMISSION ON MAINTAINING UNITED STATES NUCLEAR WEAPONS EXPERTISE.

(a) ESTABLISHMENT.—There is hereby established a commission to be known as the ''Commission on Maintaining United States Nuclear Weapons Expertise'' (in this section referred to as the ''Commission'').

(b) ORGANIZATIONAL MATTERS.—(1)(A) The Commission shall be composed of nine members appointed from among individuals in the public and private sectors who have significant experience in matters relating to nuclear weapons as follows:

(i) Two shall be appointed by the Majority Leader of the Senate (in consultation with the Minority Leader of the Senate).

(ii) One shall be appointed by the Minority Leader of the Senate (in consultation with the Majority Leader of the Senate).

(iii) Two shall be appointed by the Speaker of the House of Representatives (in consultation with the Minority Leader of the House of Representatives).

(iv) One shall be appointed by the Minority Leader of the House of Representatives (in consultation with the Speaker of the House of Representatives).

(v) Three shall be appointed by the Secretary of Energy.

(B) Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(C) The chairman of the Commission shall be designated from among the members of the Commission appointed under subparagraph (A) by the Majority Leader of the Senate, in consultation with the Minority Leader of the Senate.

(2) The members of the Commission shall establish procedures for the activities of the Commission, including procedures for calling meetings, requirements for quorums, and the manner of taking votes.

(c) DUTIES.—(1) The Commission shall develop a plan for recruiting and retaining within the Department of Energy nuclear weapons complex such scientific, engineering, and technical personnel as the Commission determines appropriate in order to permit the Department to maintain over the long term a safe and reliable nuclear weapons stockpile without engaging in underground testing.

(2) In developing the plan, the Commission shall—

(A) identify actions that the Secretary may undertake to attract qualified scientific, engineering, and technical personnel to the nuclear weapons complex of the Department; and

(B) review and recommend improvements to the on-going efforts of the Department to attract such personnel to the nuclear weapons complex.

(d) REPORT.—Not later than March 15, 1998, the Commission shall submit to the Secretary and to Congress a report containing the plan developed under subsection (c). The report may include recommendations for legislation and administrative action.

(e) COMMISSION PERSONNEL MATTERS.—(1) Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(2) The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(3) The Commission may, without regard to the civil service laws and regulations, appoint and terminate such personnel as may be necessary to enable the Commission to perform its duties. The Commission may fix the compensation of the personnel of the Commission without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(4) Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(f) TERMINATION.—The Commission shall terminate 30 days after the date on which the Commission submits its report under subsection (d).

(g) APPLICABILITY OF FACA.—The provisions of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the activities of the Commission.

(h) FUNDING.—Of the amounts authorized to be appropriated pursuant to section 3101, not more than $1,000,000 shall be available for the activities of the Commission under this section. Funds made available to the Commission under this section shall remain available until expended.

SEC. 3160. SENSE OF SENATE REGARDING RELIABILITY AND SAFETY OF REMAINING NUCLEAR FORCES.

(a) FINDINGS.—The Senate makes the following findings:

(1) The United States is committed to proceeding with a robust science-based stockpile stewardship program with respect to production of nuclear weapons, and to maintaining nuclear weapons production capabilities and capacities, that are adequate—

(A) to ensure the safety, reliability, and performance of the United States nuclear arsenal; and

(B) to meet such changing national security requirements as may result from international developments or technical problems with nuclear warheads.

(2) The United States is committed to reestablishing and maintaining production of nuclear weapons at levels that are sufficient—

(A) to satisfy requirements for the safety, reliability, and performance of United States nuclear weapons; and

(B) to demonstrate and sustain production capabilities and capacities.

(3) The United States is committed to maintaining the nuclear weapons laboratories and protecting core nuclear weapons competencies.

(4) The United States is committed to ensuring the rapid access to a new production source of tritium within the next decade, as it currently has no meaningful capability to produce tritium, a component that is essential to the performance of modern nuclear weapons.

(5) The United States reserves the right, consistent with United States law, to resume underground nuclear testing to maintain confidence in the United States' stockpile of nuclear weapons if warhead design flaws or aging of nuclear weapons result in problems that a robust stockpile stewardship program cannot solve.

(6) The United States is committed to funding the Nevada Test Site at a level that maintains the ability of the United States to resume underground nuclear testing within one year after a national decision to do so is made.

(7) The United States reserves the right to invoke the supreme national interest of the United States and withdraw from any future arms control agreement to limit underground nuclear testing.

(b) SENSE OF THE SENATE REGARDING PRESIDENTIAL CONSULTATION WITH CONGRESS.—It is the sense of the Senate that the President should consult closely with Congress regarding United States policy and practices to ensure confidence in the safety and reliability of the nuclear stockpile of the United States.

(c) SENSE OF THE SENATE REGARDING NOTIFICATION AND CONSULTATION.—It is the sense of the Senate that, upon a determination by the President that a problem with the safety or reliability of the nuclear stockpile has occurred and that the problem cannot be corrected within the stockpile stewardship program, the President shall—

(1) immediately notify Congress of the problem; and

(2) submit to Congress in a timely manner a plan for corrective action with respect to the problem, including—

(A) a technical description of the activities required under the plan; and

(B) if underground testing of nuclear weapons would assist in such corrective action, an assessment of advisability of withdrawing from any treaty that prohibits underground testing of nuclear weapons.

SEC. 3161. REPORT ON DEPARTMENT OF ENERGY LIABILITY AT DEPARTMENT SUPERFUND SITES.

(a) STUDY.—The Secretary of Energy shall, using funds authorized to be appropriated to the Department of Energy by section 3102, carry out a study of the liability of the Department for damages for injury to, destruction of, or loss of natural resources under section 107(a)(4)(C) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607(a)(4)(C)) at each site controlled or operated by the Department that is or is anticipated to become subject to the provisions of that Act.

(b) CONDUCT OF STUDY.—(1) The Secretary shall carry out the study using personnel of the Department or by contract with an appropriate private entity.

(2) In determining the extent of Department liability for purposes of the study, the Secretary shall treat the Department as a private person liable for damages under section 107(f) of that Act (42 U.S.C. 9607(f)) and subject to suit by public trustees of natural resources under such section 107(f) for such damages.

(c) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit a report on the study carried out under subsection (a) to the following committees:

(1) The Committees on Environment and Public Works and Armed Services and Energy and Natural Resources of the Senate.

(2) The Committees on Commerce and National Security and Resources of the House of Representatives.

SEC. 3162. FISCAL YEAR 1998 FUNDING FOR GREENVILLE ROAD IMPROVEMENT PROJECT, LIVERMORE, CALIFORNIA.

(a) FUNDING.—The Secretary of Energy shall include in budget for fiscal year 1998 submitted by the Secretary of Energy to the Office of Management and Budget, a request

for sufficient funds to pay the United States portion of the cost of transportation improvements under the Greenville Road Improvement Project, Livermore, California.

(b) COOPERATION WITH LIVERMORE, CALIFORNIA.—The Secretary shall work with the City of Livermore, California, to determine the cost of the transportation improvements referred to in subsection (a).

SEC. 3163. OPPORTUNITY FOR REVIEW AND COMMENT BY STATE OF OREGON REGARDING CERTAIN REMEDIAL ACTIONS AT HANFORD RESERVATION, WASHINGTON.

(a) OPPORTUNITY.—(1) Subject to subsection (b), the Site Manager at the Hanford Reservation, Washington, shall, in consultation with the signatories to the Tri-Party Agreement, provide the State of Oregon an opportunity to review and comment upon any information the Site Manager provides the State of Washington under the Hanford Tri-Party Agreement if the agreement provides for the review of and comment upon such information by the State of Washington.

(2) In order to facilitate the review and comment of the State of Oregon under paragraph (1), the Site Manager shall provide information referred to in that paragraph to the State of Oregon at the same time, or as soon thereafter as is practicable, that the Site Manager provides such information to the State of Washington

(b) CONSTRUCTION.—This section may not be construed—

(1) to require the Site Manager to provide the State of Oregon sensitive information on enforcement under the Tri-Party Agreement or information on the negotiation, dispute resolution, or State cost recovery provisions of the agreement;

(2) to require the Site Manager to provide confidential information on the budget or procurement at Hanford under terms other than those provided in the Tri-Party Agreement for the transmission of such confidential information to the State of Washington;

(3) to authorize the State of Oregon to participate in enforcement actions, dispute resolution, or negotiation actions conducted under the provisions of the Tri-Party Agreement;

(4) to authorize any delay in the implementation of remedial, environmental management, or other programmatic activities at Hanford; or

(5) to require the Department of Energy to provide funds to the State of Oregon.

SEC. 3164. SENSE OF SENATE ON HANFORD MEMORANDUM OF UNDERSTANDING.

It is the sense of the Senate that—

(1) the State of Oregon has the authority to enter into a memorandum of understanding with the State of Washington, or a memorandum of understanding with the State of Washington and the Site Manager of the Hanford Reservation, Washington, in order to address issues of mutual concern to such States regarding the Hanford Reservation; and

(2) such agreements are not expected to create any additional obligation of the Department of Energy to provide funds to the State of Oregon.

SEC. 3165. FOREIGN ENVIRONMENTAL TECHNOLOGY.

Section 2536(b) of title 10, United States Code, is amended to read as follows:

(b) WAIVER AUTHORITY.—(1) The Secretary concerned may waive the application of subsection (a) to a contract award if—

(A) the Secretary concerned determines that the waiver is essential to the national security interests of the United States; or

(B) in the case of a Department of Energy contract awarded for environmental restoration, remediation, or waste management at a Department of Energy facility—

(i) the Secretary determines that the waiver will advance the environmental restoration, remediation, or waste management objectives of the Department of Energy and will not harm the national security interests of the United States; and

(ii) the entity to which the contract is awarded is controlled by a foreign government with which the Secretary is authorized to exchange Restricted Data under section 144(c) of the Atomic Energy Act of 1954 (42 U.S.C. 2164(c)).

(2) The Secretary of Energy shall notify the appropriate committees of Congress of any decision to grant a waiver under paragraph (1)(B). The contract may be executed only after the end of the 45-day period beginning on the date the notification is received by the committees.

SEC. 3166. STUDY ON WORKER PROTECTION AT THE MOUND FACILITY.

(a) Not later than March 15, 1997, the Secretary of Energy shall report to the defense committees of the Congress regarding the status of projects and programs to improve worker safety and health at the Mound Facility in Miamisburg, Ohio.

(b) The report shall include the following:

(1) the status of actions completed in fiscal year 1996;

(2) the status of actions completed or proposed to be completed in fiscal years 1997 and 1998;

(3) a description of the fiscal year 1998 budget request for Mound worker safety and health protection; and

(4) an accounting of expenditures for worker safety and health at Mound by year from fiscal year 1994 through and including fiscal year 1996.

Subtitle E—Environmental Restoration at Defense Nuclear Facilities

SEC. 3171. SHORT TITLE.

This subtitle may be cited as the ''Defense Nuclear Facility Environmental Restoration Pilot Program Act of 1996''.

SEC. 3172. APPLICABILITY.

(a) IN GENERAL.—The provisions of this subtitle shall apply to the following defense nuclear facilities:

(1) Hanford.

(2) Any other defense nuclear facility if—

(A) the chief executive officer of the State in which the facility is located submits to the Secretary a request that the facility be covered by the provisions of this subtitle; and

(B) the Secretary approves the request.

(b) LIMITATION.—The Secretary may not approve a request under subsection (a)(2) until 60 days after the date on which the Secretary notifies the congressional defense committees of the Secretary's receipt of the request.

SEC. 3173. DESIGNATION OF COVERED FACILITIES AS ENVIRONMENTAL CLEANUP DEMONSTRATION AREAS.

(a) DESIGNATION.—Each defense nuclear facility covered by this subtitle under section 3172(a) is hereby designated as an environmental cleanup demonstration area. The purpose of the designation is to establish each such facility as a demonstration area at which to utilize and evaluate new technologies to be used in environmental restoration and remediation at other defense nuclear facilities.

(b) SENSE OF CONGRESS.—It is the sense of Congress that Federal and State regulatory agencies, members of the surrounding communities, and other affected parties with respect to each defense nuclear facility covered by this subtitle should continue to—

(1) develop expedited and streamlined processes and systems for cleaning up such facility;

(2) eliminate unnecessary administrative complexity and unnecessary duplication of regulation with respect to the clean up of such facility;

(3) proceed expeditiously and cost-effectively with environmental restoration and remediation activities at such facility;

(4) consider future land use in selecting environmental clean up remedies at such facility; and

(5) identify and recommend to Congress changes in law needed to expedite the clean up of such facility.

SEC. 3174. SITE MANAGERS.

(a) APPOINTMENT.—(1)(A) The Secretary shall appoint a site manager for Hanford not later than 90 days after the date of the enactment of this Act.

(B) The Secretary shall develop a list of the criteria to be used in appointing a site manager for Hanford. The Secretary may consult with affected and knowledgeable parties in developing the list.

(2) The Secretary shall appoint the site manager for any other defense nuclear facility covered by this subtitle not later than 90 days after the date of the approval of the request with respect to the facility under section 3172(a)(2).

(3) An individual appointed as a site manager under this subsection shall, if not an employee of the Department at the time of the appointment, be an employee of the Department while serving as a site manager under this subtitle.

(b) DUTIES.—(1) Subject to paragraphs (2) and (3), in addition to other authorities provided for in this subtitle, the site manager for a defense nuclear facility shall have full authority to oversee and direct operations at the facility, including the authority to—

(A) enter into and modify contractual agreements to enhance environmental restoration and waste management at the facility;

(B) request that the Department headquarters submit to Congress a reprogramming package shifting among accounts funds available for the facility in order to facilitate the most efficient and timely environmental restoration and waste management at the facility, and, in the event that the Department headquarters does not act upon the request within 30 days of the date of the request, submit such request to the appropriate committees of Congress for review;

(C) negotiate amendments to environmental agreements applicable to the facility for the Department; and

(D) manage environmental management and programmatic personnel of the Department at the facility.

(2) A site manager shall negotiate amendments under paragraph (1)(C) with the concurrence of the Secretary.

(3) A site manager may not undertake or provide for any action under paragraph (1) that would result in an expenditure of funds for environmental restoration or waste management at the defense nuclear facility concerned in excess of the amount authorized to be expended for environmental restoration or waste management at the facility without the approval of such action by the Secretary.

(c) INFORMATION ON PROGRESS.—The Secretary shall regularly inform Congress of the progress made by site managers under this subtitle in achieving expedited environmental restoration and waste management at the defense nuclear facilities covered by this subtitle.

SEC. 3175. DEPARTMENT OF ENERGY ORDERS.

Effective 60 days after the appointment of a site manager for a defense nuclear facility under section 3174(a), an order relating to the execution of environmental restoration, waste management, technology development, or other site operation activities at

the facility may be imposed at the facility if the Secretary makes a finding that the order—

(1) is essential to the protection of human health or the environment or to the conduct of critical administrative functions; and

(2) will not interfere with bringing the facility into compliance with environmental laws, including the terms of any environmental agreement.

SEC. 3176. DEMONSTRATIONS OF TECHNOLOGY FOR REMEDIATION OF DEFENSE NUCLEAR WASTE.

(a) IN GENERAL.—The site manager for a defense nuclear facility under this subtitle shall promote the demonstration, verification, certification, and implementation of innovative environmental technologies for the remediation of defense nuclear waste at the facility.

(b) DEMONSTRATION PROGRAM.—To carry out subsection (a), each site manager shall establish a program at the defense nuclear facility concerned for testing environmental technologies for the remediation of defense nuclear waste at the facility. In establishing such a program, the site manager may—

(1) establish a simplified, standardized, and timely process for the testing and verification of environmental technologies;

(2) solicit and accept applications to test environmental technology suitable for environmental restoration and waste management activities at the facility, including prevention, control, characterization, treatment, and remediation of contamination;

(3) consult and cooperate with the heads of existing programs at the facility for the certification and verification of environmental technologies at the facility; and

(4) pay the costs of the demonstration of such technologies.

(c) FOLLOW-ON CONTRACTS.—(1) If the Secretary and a person demonstrating a technology under the program enter into a contract for remediation of nuclear waste at a defense nuclear facility covered by this subtitle, or at any other Department facility, as a follow-on to the demonstration of the technology, the Secretary shall ensure that the contract provides for the Secretary to recoup from the contractor the costs incurred by the Secretary pursuant to subsection (b)(4) for the demonstration.

(2) No contract between the Department and a contractor for the demonstration of technology under subsection (b) may provide for reimbursement of the costs of the contractor on a cost plus fee basis.

(d) SAFE HARBORS.—In the case of an environmental technology demonstrated, verified, certified, and implemented at a defense nuclear facility under a program established under subsection (b), the site manager of another defense nuclear facility may request the Secretary to waive or limit contractual or Department regulatory requirements that would otherwise apply in implementing the same environmental technology at such other facility.

SEC. 3177. REPORTS TO CONGRESS.

Not later than 120 days after the date of the appointment of a site manager under section 3174(a), the site manager shall submit to Congress and the Secretary a report describing the expectations of the site manager with respect to environmental restoration and waste management at the defense nuclear facility concerned by reason of the exercise of the authorities provided in this subtitle. The report shall describe the manner in which the exercise of such authorities is expected to improve environmental restoration and waste management at the facility and identify saving that are expected to accrue to the Department as a result of the exercise of such authorities.

SEC. 3178. TERMINATION.

The authorities provided for in this subtitle shall expire five years after the date of the enactment of this Act.

SEC. 3179. DEFINITIONS.

In this subtitle:

(1) The term ''Department'' means the Department of Energy.

(2) The term ''defense nuclear facility'' has the meaning given the term ''Department of Energy defense nuclear facility'' in section 318 of the Atomic Energy Act of 1954 (42 U.S.C. 2286g).

(3) The term ''Hanford'' means the defense nuclear facility located in southeastern Washington State known as the Hanford Reservation, Washington.

(4) The term ''Secretary'' means the Secretary of Energy.

Subtitle F—Waste Isolation Pilot Plant Land Withdrawal Act Amendments.

SEC. 3181. SHORT TITLE AND REFERENCE.

(a) SHORT TITLE.—This subtitle may be cited as the ''Waste Isolation Pilot Plant Land Withdrawal Amendment Act''.

(b) REFERENCE.—Except as otherwise expressly provided, whenever in this subtitle an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Waste Isolation Pilot Plant Land Withdrawal Act (Public Law 102–579).

SEC. 3182. DEFINITIONS.

Paragraphs (18) and (19) of section 2 are repealed.

SEC. 3183. TEST PHASE AND RETRIEVAL PLANS.

Section 5 and the item relating to such section in the table of contents are repealed.

SEC. 3184. MANAGEMENT PLAN.

Section 4(b)(5)(B) is amended by striking ''or with the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.)''.

SEC. 3185. TEST PHASE ACTIVITIES.

Section 6 is amended—

(1) by repealing subsections (a) and (b),

(2) by repealing paragraph (1) of subsection (c),

(3) by redesignating subsection (c) as subsection (a) and in that subsection—

(A) by repealing subparagraph (A) of paragraph (2),

(B) by striking the subsection heading and the matter immediately following the subsection heading and inserting ''STUDY.—The following study shall be conducted:'',

(C) by striking ''(2) REMOTE-HANDLED WASTE.—'',

(D) by striking ''(B) STUDY.—'',

(E) by redesignating clauses (i), (ii), and (iii) as paragraphs (1), (2), and (3), respectively, and

(F) by realigning the margins of such clauses to be margins of paragraphs,

(4) in subsection (d), by striking '', during the test phase, a biennial'' and inserting ''a'' and by striking '', consisting of a documented analysis of'' and inserting ''as necessary to demonstrate'', and

(5) by redesignating subsection (d) as subsection (b).

SEC. 3186. DISPOSAL OPERATIONS.

Section 7(b) is amended to read as follows:

''(b) REQUIREMENTS FOR COMMENCEMENT OF DISPOSAL OPERATIONS.—The Secretary may commence emplacement of transuranic waste underground for disposal at WIPP only upon completion of—

''(1) the Administrator's certification under section 8(d)(1) that the WIPP facility will comply with the final disposal regulations;

''(2) the acquisition by the Secretary (whether by purchase, condemnation, or otherwise) of Federal Oil and Gas Leases No. NMNM 02953 and No. NMNM 02953C, unless the Administrator determines, under section 4(b)(5), that such acquisition is not required; and,

''(3) the expiration of the 30-day period beginning on the date on which the Secretary notifies Congress that the requirements of section 9(a)(1) have been met.''.

SEC. 3187. ENVIRONMENTAL PROTECTION AGENCY DISPOSAL REGULATIONS.

(a) SECTION 8(d)(1).—Section 8(d)(1) is amended—

(1) by amending subparagraph (A) to read as follows:

''(A) APPLICATION FOR COMPLIANCE.—Within 30 days after the date of the enactment of the Waste Isolation Pilot Plant Land Withdrawal Amendment Act, the Secretary shall provide to Congress a schedule for the incremental submission of chapters of the application to the Administrator beginning no later than 30 days after such date. The Administrator shall review the submitted chapters and provide requests for additional information from the Secretary as needed for completeness within 45 days of the receipt of each chapter. The Administrator shall notify Congress of such requests. The schedule shall call for the Secretary to submit all chapters to the Administrator no later than October 31, 1996. The Administrator may at any time request additional information from the Secretary as needed to certify, pursuant to subparagraph (B), whether the WIPP facility will comply with the final disposal regulations.''; and

(2) in subparagraph (D), by striking ''after the application is'' and inserting ''after the full application has been''.

(b) SECTION 8(d) (2) and (3).—Section 8(d) is amended by striking paragraphs (2) and (3), by striking ''(1) COMPLIANCE WITH DISPOSAL REGULATIONS.—'', and by redesignating subparagraphs (A), (B), (C), and (D) of paragraph (1) as paragraph (1), (2), (3), and (4), respectively.

(c) SECTION 8(g).—Section 8(g) is amended to read as follows:

''(g) ENGINEERED AND NATURAL BARRIERS, ETC.—The Secretary shall use both engineered and natural barriers and any other measures (including waste form modifications) to the extent necessary at WIPP to comply with the final disposal regulations.''.

SEC. 3188. COMPLIANCE WITH ENVIRONMENTAL LAWS AND REGULATIONS.

(a) SECTION 9(a)(1).—Section 9(a)(1) is amended by adding after and below subparagraph (H) the following: ''With respect to transuranic mixed waste designated by the Secretary for disposal at WIPP, such waste is exempt from treatment standards promulgated pursuant to section 3004(m) of the Solid Waste Disposal Act (42 U.S.C. 6924(m)) and shall not be subject to the land disposal prohibitions in section 3004(d), (e), (f), and (g) of the Solid Waste Disposal Act.''.

(b) SECTION 9(b).—Subsection (b) of section 9 is repealed.

(c) SECTION 9(c)(2).—Subsection (c)(2) of section 9 is repealed.

(d) SECTION 14.—Section 14 is amended—

(1) in subsection (a), by striking ''No provision'' and inserting ''Except for the exemption from the land disposal restrictions described in section 9(a)(1), no provision''; and

(2) in subsection (b)(2), by striking ''including all terms and conditions of the No-Migration Determination'' and inserting ''except that the transuranic mixed waste designated by the Secretary for disposal at WIPP is exempt from the land disposal restrictions described in section 9(a)(1)''.

SEC. 3189. RETRIEVABILITY.

(a) SECTION 10.—Section 10 is amended to read as follows:

''SEC. 10. TRANSURANIC WASTE.

''It is the intent of Congress that the Secretary will complete all actions required

under section 7(b) to commence emplacement of transuranic waste underground for disposal at WIPP no later than November 30, 1997.''.

(b) CONFORMING AMENDMENT.—The item relating to section 10 in the table of contents is amended to read as follows:

''Sec. 10. Transuranic waste.''.

SEC. 3190. DECOMMISSIONING OF WIPP

Section 13 is amended—

(1) by repealing subsection (a), and

(2) in subsection (b), by striking ''(b) MANAGEMENT PLAN FOR THE WITHDRAWAL AFTER DECOMMISSIONING.—Within 5 years after the date of the enactment of this Act, the'' and inserting ''The''.

SEC. 3191. ECONOMIC ASSISTANCE AND MISCELLANEOUS PAYMENTS.

(a) Section 15(a) is amended by adding at the end the following: ''An appropriation to the State shall be in addition to any appropriation for WIPP.''.

(b) $20,000,000 is authorized to be appropriated in fiscal year 1997 to the Secretary for payment to the State of New Mexico for road improvements in connection with the WIPP.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SEC. 3201. AUTHORIZATION.

There are authorized to be appropriated for fiscal year 1997, $17,000,000 for the operation of the Defense Nuclear Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

SEC. 3301. AUTHORIZED USES OF STOCKPILE FUNDS.

(a) OBLIGATIONS AUTHORIZED.—During fiscal year 1997, the National Defense Stockpile Manager may obligate up to $60,000,000 of the funds in the National Defense Stockpile Transaction Fund established under subsection (a) of section 9 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h) for the authorized uses of such funds under subsection (b)(2) of such section.

(b) ADDITIONAL OBLIGATIONS.—The National Defense Stockpile Manager may obligate amounts in excess of the amount specified in subsection (a) if the National Defense Stockpile Manager notifies Congress that extraordinary or emergency conditions necessitate the additional obligations. The National Defense Stockpile Manager may make the additional obligations described in the notification after the end of the 45-day period beginning on the date Congress receives the notification.

(c) LIMITATIONS.—The authorities provided by this section shall be subject to such limitations as may be provided in appropriations Acts.

SEC. 3302. DISPOSAL OF CERTAIN MATERIALS IN NATIONAL DEFENSE STOCKPILE.

(a) DISPOSAL REQUIRED.—The President shall dispose of materials contained in the National Defense Stockpile and specified in the table in subsection (b) so as to result in receipts to the United States in amounts equal to—

(1) $338,000,000 during the five-fiscal year period ending on September 30, 2001; and

(2) $649,000,000 during the seven-fiscal year period ending on September 30, 2003.

(b) LIMITATION ON DISPOSAL QUANTITY.—The total quantities of materials authorized for disposal by the President under subsection (a) may not exceed the amounts set forth in the following table:

Authorized Stockpile Disposals

Material for disposal	Quantity
Aluminum	62,881 short tons
Cobalt	30,000,000 pounds contained
Columbium Ferro	930,911 pounds contained
Germanium Metal	40,000 kilograms
Indium	35,000 troy ounces
Palladium	15,000 troy ounces
Platinum	10,000 troy ounces
Rubber, Natural	125,138 long tons
Tantalum, Carbide Powder	6,000 pounds contained
Tantalum, Minerals	750,000 pounds contained
Tantalum, Oxide	40,000 pounds contained

(c) DEPOSIT OF RECEIPTS.—(1) Notwithstanding section 9 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h) and except as provided in paragraph (2), funds received as a result of the disposal of materials under subsection (a) shall be deposited into the general fund of the Treasury.

(2) Funds received as a result of such disposal in excess of the amount of receipts specified in subsection (a)(2) shall be deposited in the National Defense Stockpile Transaction Fund established by section 9(a) of that Act.

(d) RELATIONSHIP TO OTHER DISPOSAL AUTHORITY.—The disposal authority provided in subsection (a) is new disposal authority and is in addition to, and shall not affect, any other disposal authority provided by law regarding the materials specified in such subsection.

(e) DEFINITION.—The term ''National Defense Stockpile'' means the National Defense Stockpile provided for in section 4 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98c).

SEC. 3303. ADDITIONAL AUTHORITY TO DISPOSE OF MATERIALS IN NATIONAL DEFENSE STOCKPILE.

(a) DISPOSAL REQUIRED.—Subject to subsection (c), the President shall dispose of materials contained in the National Defense Stockpile and specified in the table in subsection (b) so as to result in receipts to the United States in amounts equal to—

(1) $110,000,000 during the five-fiscal year period ending September 30, 2001;

(2) $260,000,000 during the seven-fiscal year period ending September 30, 2003; and

(3) $440,000,000 during the nine-fiscal year period ending September 30, 2005.

(b) LIMITATION ON DISPOSAL QUANTITY.—The total quantities of materials authorized for disposal by the President under subsection (a) may not exceed the amounts set forth in the following table:

Authorized Stockpile Disposals

Material for disposal	Quantity
Chrome Metal, Electrolytic	8,471 short tons
Cobalt	9,902,774 pounds
Columbium Carbide	21,372 pounds
Columbium Ferro	249,395 pounds
Diamond, Bort	91,542 carats
Diamond, Stone	3,029,413 carats
Germanium	28,207 kilograms
Indium	15,205 troy ounces
Palladium	1,249,601 troy ounces
Platinum	442,641 troy ounces
Rubber	567 long tons
Tantalum, Carbide Powder	22,688 pounds contained
Tantalum, Minerals	1,748,947 pounds contained
Tantalum, Oxide	123,691 pounds contained
Titanium Sponge	36,830 short tons
Tungsten	76,358,235 pounds
Tungsten, Carbide	2,032,942 pounds
Tungsten, Metal Powder	1,181,921 pounds
Tungsten, Ferro	2,024,143 pounds

(c) MINIMIZATION OF DISRUPTION AND LOSS.—The President may not dispose of materials under subsection (a) to the extent that the disposal will result in—

(1) undue disruption of the usual markets of producers, processors, and consumers of the materials proposed for disposal; or

(2) avoidable loss to the United States.

(d) TREATMENT OF RECEIPTS.—(1) Notwithstanding section 9 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h), funds received as a result of the disposal of materials under subsection (a) shall be deposited into the general fund of the Treasury and used to offset the revenues lost as a result of the amendments made by subsection (a) of section 4303 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 658).

(2) This section shall be treated as qualifying offsetting legislation for purposes of subsection (b) of such section 4303.

(e) RELATIONSHIP TO OTHER DISPOSAL AUTHORITY.—The disposal authority provided in subsection (a) is new disposal authority and is in addition to, and shall not affect, any other disposal authority provided by law regarding the materials specified in such subsection.

(f) DEFINITION.—The term ''National Defense Stockpile'' means the National Defense Stockpile provided for in section 4 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98c).

(g) ADDITIONAL LIMITATION.—Of the amounts listed in the table in subsection (b), titanium sponge may be sold only to the extent necessary to attain the level of receipts specified in subsection (a), after taking into account the estimated receipts from the other materials in such table.

TITLE XXXIV—NAVAL PETROLEUM RESERVES

SEC. 3401. AUTHORIZATION OF APPROPRIATIONS.

There is hereby authorized to be appropriated to the Secretary of Energy $149,500,000 for fiscal year 1997 for the purpose of carrying out activities under chapter 641 of title 10, United States Code, relating to the naval petroleum reserves (as defined in section 7420(2) of such title). Funds appropriated pursuant to such authorization shall remain available until expended.

TITLE XXXV—PANAMA CANAL COMMISSION

SEC. 3501. SHORT TITLE.

This title may be cited as the ''Panama Canal Commission Authorization Act for Fiscal Year 1997''.

SEC. 3502. AUTHORIZATION OF EXPENDITURES.

(a) IN GENERAL.—Subject to subsection (b), the Panama Canal Commission is authorized to make such expenditures within the limits of funds and borrowing authority available to it in accordance with law, and to make such contracts and commitments, to be derived from the Panama Canal Commission Revolving Fund, as may be necessary under the Panama Canal Act of 1979 (22 U.S.C. 3601 et seq.) for the operation, maintenance, improvement, and administration of the Panama Canal for fiscal year 1997.

(b) LIMITATIONS.—For fiscal year 1997, the Panama Canal Commission may expend from funds in the Panama Canal Revolving Fund not more than $73,000 for reception and representation expenses, of which—

(1) not more than $18,000 may be used for official reception and representation expenses of the Supervisory Board of the Commission;

(2) not more than $10,000 may be used for official reception and representation expenses of the Secretary of the Commission; and

(3) not more than $45,000 may be used for official reception and representation expenses of the Administrator of the Commission.

SEC. 3503. PURCHASE OF VEHICLES.

Notwithstanding any provision of law relating to purchase of vehicles by agencies of the Federal Government, funds available to the Panama Canal Commission shall be available for the purchase of, and for transportation to the Republic of Panama of, passenger motor vehicles, including large, heavy-duty vehicles.

SEC. 3504. EXPENDITURES IN ACCORDANCE WITH OTHER LAWS.

Expenditures authorized under this title may be made only in accordance with the Panama Canal Treaties of 1977 and any law of the United States implementing those treaties.

TITLE XXXVI—MISCELLANEOUS PROVISION

SEC. 3601. SENSE OF THE SENATE REGARDING THE REOPENING OF PENNSYLVANIA AVENUE.

(a) FINDINGS.—The Senate makes the following findings:

(1) In 1791, President George Washington commissioned Pierre Charles L'Enfant to draft a blueprint for America's new capital city; they envisioned Pennsylvania Avenue as a bold, ceremonial boulevard physically linking the U.S. Capitol building and the White House, and symbolically the Legislative and Executive branches of government.

(2) An integral element of the District of Columbia, Pennsylvania Avenue stood for 195 years as a vital, working, unbroken roadway, elevating it into a place of national importance as ''America's Main Street''.

(3) 1600 Pennsylvania Avenue, the White House, has become America's most recognized address and a primary destination of visitors to the Nation's Capital; ''the People's House'' is host to 5,000 tourists daily, and 15,000,000 annually.

(4) As home to the President, and given its prominent location on Pennsylvania Avenue and its proximity to the People, the White House has become a powerful symbol of freedom, openness, and an individual's access to their government.

(5) On May 20, 1995, citing possible security risks from vehicles transporting terrorist bombs, President Clinton ordered the Secret Service, in conjunction with the Department of the Treasury, to close Pennsylvania Avenue to vehicular traffic for two blocks in front of the White House.

(6) While the security of the President and visitors to the White House is of grave concern and is not to be taken lightly, the need to assure the President's safety must be balanced with the expectation of freedom inherent in a democracy; the present situation is tilted too heavily toward security at freedom's expense.

(7) By impeding access and imposing undue hardships upon tourists, residents of the District, commuters, and local business owners and their customers, the closure of Pennsylvania Avenue, undertaken without the counsel of the government of the District of Columbia, has replaced the former openness of the area surrounding the White House with barricades, additional security checkpoints, and an atmosphere of fear and distrust.

(8) In the year following the closure of Pennsylvania Avenue, the taxpayers have borne a significant burden for additional security measures along the Avenue near the White House.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the President should request the Department of the Treasury and the Secret Service to work with the Government of the District of Columbia to develop a plan for the permanent reopening to vehicular traffic of Pennsylvania Avenue in front of the White House in order to restore the Avenue to its original state and return it to the people: *Provided*, That the Secretary of the Treasury and the Secret Service certify that the plan protects the security of the people who live and work in the White House.

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

Mr. NUNN. I move to table the motion.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. SHELBY). Under the previous order, the Senate now proceeds en bloc to the consideration of S. 1762, S. 1763, and S. 1764. All after the enacting clause of each bill is stricken and the appropriate text of S. 1745, as amended, is inserted in lieu thereof.

The Senate bills are considered read the third time and passed, and the motion to reconsider the vote on passage is laid upon the table.

Under the previous order, the Senate will now proceed to consideration of H.R. 3230. All after the enacting clause is stricken, and the text of S. 1745, as amended, is inserted in lieu thereof. The bill is read the third time and passed, and the motion to reconsider the vote on passage is laid upon the table.

Under the previous order, the Senate insists on its amendment, and requests a conference with the House.

The PRESIDING OFFICER (Mr. SHELBY) appointed Mr. THURMOND, Mr. WARNER, Mr. COHEN, Mr. MCCAIN, Mr. COATS, Mr. SMITH, Mr. KEMPTHORNE, Mrs. HUTCHISON, Mr. INHOFE, Mr. SANTORUM, Mrs. FRAHM, Mr. NUNN, Mr. EXON, Mr. LEVIN, Mr. KENNEDY, Mr. BINGAMAN, Mr. GLENN, Mr. BYRD, Mr. ROBB, Mr. LIEBERMAN, and Mr. BRYAN, conferees on the part of the Senate.

NATIONAL LABOR RELATIONS ACT AND RAILWAY LABOR ACT AMENDMENT—MOTION TO PROCEED

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the clerk will report the cloture motion on the motion to proceed to S. 1788.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to S. 1788, the National Right To Work Act:

Trent Lott, Orrin Hatch, Paul Coverdell, Judd Gregg, Jesse Helms, Lauch Faircloth, Connie Mack, John Warner, Don Nickles, Robert F. Bennett, Hank Brown, Phil Gramm, Strom Thurmond, Kay Bailey Hutchison, Richard Shelby, Bob Smith

Mr. KENNEDY. Mr. President, I ask unanimous consent that we proceed for 1 minute of debate, and the time be divided equally between those in support of cloture and those opposed.

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

Mr. KENNEDY. Mr. President, this bill has a simple message. It would give people the benefits of collective bargaining without having to pay their

fair share. It ought to be called the national freeloaders bill. We have no business telling the States that we know better than they how they should manage their affairs. This is a direct attack on the ability of working people to protect their economic interests. I urge that the Senate reject cloture and protect the rights of working families in State after State, in order to protect their economic interests.

Mr. GRAMM. Mr. President, there is no issue that better defines the differences that exist between the two parties than the issue that is now before the Senate. It is a simple, straightforward issue that many Members of the Senate hope the public does not understand. Should a man or a woman in the greatest and freest country in the history of the world be forced to join a union in order to have the right to work? That is the issue.

If, in order to exercise one of our basic rights—the right to contract our labor—we are forced to pay an institution that we do not wish to join, are we free, or is our freedom abridged? That is the question that is before the Senate, and I think the American people understand it.

Mr. BYRD. Mr. President, the Senate is set to vote on a motion to invoke cloture on the motion to proceed to S. 1788, the National Right to Work Act. This measure was introduced on May 21 of this year, and it is my understanding that there have been no committee hearings or reports on the bill in the Senate. In addition, we are now preparing to vote to limit debate before having begun to debate this measure on the Senate floor. This does not convey a sense of responsible legislating.

Mr. President, I am opposed to federal right-to-work legislation. Let me first say that right-to-work is a concept that is often believed to mean ''equal opportunity,'' when it really does not extend to anyone a ''right'' that he or she does not already have. The National Labor Relations Act of 1935 set forth a worker's right to belong to a union of his or her choice, as determined by democratic balloting. Under this arrangement, unions and management were free to negotiate collective bargaining agreements which included a security clause. Essentially, these clauses, which could not be approved without the consent of both labor and management, required all employees of a unionized company to pay dues to cover the costs of their representation. However, in 1947, the Congress approved the Taft-Hartley Act, which gave each State the option to make its own determination on the so-called right-to-work issue. Currently, 21 States have approved right-to-work legislation, effectively outlawing union security clauses. Workers in these States are not required to pay dues toward the cost of their union's representation. However, 29 States continue to have free collective bargaining. If we approve this legislation, we will be imposing a Federal mandate on those States, including my home State of West Virginia, that have chosen not to restrict union security clauses.

Mr. President, the right-to-work issue has become an emotional debate, and this is the wrong debate. We should focus on the economics of the issue. There is no evidence that supports the argument that right-to-work will improve the wages, benefits, and working conditions of our Nation's workers. A report issued just last week by the Congressional Research Service concluded that right-to-work States have a mean manufacturing wage of $10.91, compared to $12.56 for non-right-to-work States. Approving this legislation now will not demonstrably improve the conditions of workers in those States that currently protect free collective bargaining, and it may in fact lower their wages. This will not help workers in my State of West Virginia. Right-to-work is not a panacea for declining real wages for workers. In fact, the evidence suggests that it may be a contributor to lower wages because it undermines organized labor's ability to bargain effectively on behalf of its workers. While organized labor has made mistakes, it has also accomplished a great deal for all working people, union and non-union. What my State needs in order to create a favorable economic climate and higher wages is to foster positive labor-management relations—not to restrict labor and management from freely entering into collective bargaining contracts. As such, I cannot support the proposal before us today.

Mr. DORGAN. Mr. President, today the Senate will vote on legislation which undermines the basic principles of State rights and workplace democracy. S. 1788 would require all States to permit workers to receive the benefits of collective bargaining without sharing in the cost of union representation.

Under current Federal law, States decide for themselves whether or not to require all workers in unionized workplaces to share in the costs of union representation. My State of North Dakota is one of 21 States that have enacted so-called right-to-work statutes permitting workers to elect not to pay union dues.

In the remaining 29 States with no similar statutes, unions and employers negotiate to determine whether all workers will be required to share the costs of union representation. There is no general requirement, even in these States, that all workers must pay union dues.

I support the ability of States to choose whether to enact laws permitting workers to opt out of paying union dues, or whether to permit workers and employers to negotiate freely on this issue during the collective bargaining process. I do not support the legislation before us, which preempts the State's role in this important policy decision.

For these reasons, I oppose the legislation before us today.

Mr. DODD. Mr. President, I rise today to voice my strong opposition to the National Right-to-Work Act.

Today's legislation, coming on the heels of yesterday's unsuccessful effort to eviscerate the minimum wage, is simply one more example of the Republican Party's systematic and unremitting attack on America's labor unions.

Yesterday, my Republican colleagues fought against giving working Americans a much needed helping hand, with a minimum wage increase. Today, they've brought to the floor a bill that would fundamentally undermine union efforts to genuinely represent and assist working families.

At a time when we have many vital issues before this body, including genuine health insurance reform—which remains mired in partisan conflict—the last thing the Senate should be doing is spending our time debating this hasty and blatantly antiunion legislation.

Now, this bill was neither marked up nor reported out of the Labor and Human Resources Committee. In fact, I wonder how many of my colleagues have even had the opportunity to thoroughly understand this legislation.

We've heard no testimony and we've held no hearings on this bill, even though it represents a major override of the laws in 29 States—including my home State of Connecticut—which reject right-to-work legislation.

Now, since 1959, only three States have seen the need to enact right-to-work laws. In fact, over the past year, six State legislatures rejected such forms of right-to-work legislation.

But, at a time when I constantly hear talk from my colleagues across the aisle about the need to shift responsibility to the States, this legislation would fundamentally change numerous State laws governing labor relations—laws that have remained largely unchanged over the past 37 years.

It would undermine our time-honored system of free collective bargaining by imposing unnecessary Government interference in the rights of labor and management to negotiate fair and agreed-upon collective bargaining agreements.

But, this bill is more than just a usurpation of State's rights. It would also outlaw any form of collectively bargained union security provisions. These are commonsense provisions that require nonunion workers to pay their fair share for the costs of union representation.

It would say to nonunion members: ''You can receive the benefits of union representation without having to foot the bill.''

In my view, these provisions are antiunion, anti-worker, and frankly antidemocratic. When it comes to the question of union benefits, no American deserves something for nothing. But, that's exactly what this bill would do.

These provisions undermine the fundamental rights of employees who have

voted to unionize their workplace and I urge all my colleagues to reject this legislation and vote against cloture.

Mr. LOTT. Mr. President, before the Senate votes on cloture on my motion to proceed to S. 1788, the National Right to Work Act, I want to give credit where due.

This bill represents the determination of Senator LAUCH FAIRCLOTH to bring to the national agenda a critically important issue. That issue is the question of whether an American worker can be compelled to join a union and pay dues to it.

The right to join a union is secured by law, as indeed it should be. The right not to join is another matter.

Language to that effect in the National Labor Relations Act of 1935 was vitiated in the same legislation by a provision permitting union officials to secure contracts requiring union membership as a condition of employment.

It is long past time for us to rectify that mistake.

I emphasize that this is not a matter of being pro-union or anti-union. My father was a union pipefitter in a Mississippi shipyard, and I can personally appreciate the importance of union membership to millions of our fellow Americans.

But the American people do not like compulsion, whether it is directed against them or against their neighbors. Although we are a nation of joiners, we like to join groups and organizations of our own volition, not because someone in authority tells us to do so.

That principle is especially important when it comes to earning a living for yourself and your family. We should not tolerate efforts to hinder any American from that goal.

Twenty-one States have now enshrined that principle in their own laws, to protect workers from compulsory unionism. In the remaining States, entrenched interests have thus far staved off reform efforts.

I believe it is time to give all American workers the same right, whether they live in 1 of those 21 States or in a State without a right-to-work law.

So I urge a vote for cloture on the pending motion to proceed, so that the Senate can at last reconsider the issue of compulsory unionism, and vote on it, and do right by the working men and women of this country.

CALL OF THE ROLL

The PRESIDING OFFICER. The mandatory quorum call has been waived.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the motion to proceed to consideration of S. 1788, the National Right to Work Act, shall be brought to a close?

The yeas and nays are required. The clerk will call the roll.

The bill clerk called the roll.

Mr. NICKLES. I announce that the Senator from Mississippi [Mr. COCHRAN] is necessarily absent.

The yeas and nays resulted—yeas 31, nays 68, as follows:

[Rollcall Vote No. 188 Leg.]

YEAS—31

Bennett	Gregg	Nickles
Brown	Hatch	Pressler
Burns	Helms	Shelby
Coats	Hutchison	Simpson
Coverdell	Inhofe	Smith
Craig	Kempthorne	Thomas
Faircloth	Kyl	Thompson
Frahm	Lott	Thurmond
Frist	Lugar	Warner
Gramm	Mack	
Grassley	McCain	

NAYS—68

Abraham	Exon	Lieberman
Akaka	Feingold	McConnell
Ashcroft	Feinstein	Mikulski
Baucus	Ford	Moseley-Braun
Biden	Glenn	Moynihan
Bingaman	Gorton	Murkowski
Bond	Graham	Murray
Boxer	Grams	Nunn
Bradley	Harkin	Pell
Breaux	Hatfield	Pryor
Bryan	Heflin	Reid
Bumpers	Hollings	Robb
Byrd	Inouye	Rockefeller
Campbell	Jeffords	Roth
Chafee	Johnston	Santorum
Cohen	Kassebaum	Sarbanes
Conrad	Kennedy	Simon
D'Amato	Kerrey	Snowe
Daschle	Kerry	Specter
DeWine	Kohl	Stevens
Dodd	Lautenberg	Wellstone
Domenici	Leahy	Wyden
Dorgan	Levin	

NOT VOTING—1

Cochran

The PRESIDING OFFICER. On this vote, the yeas are 31, the nays are 68. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

TEAMWORK FOR EMPLOYEES AND MANAGEMENT ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of S. 295, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 295) to permit labor management cooperative efforts that improve America's economic competitiveness to continue to thrive, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Dorgan modified amendment No. 4437, of a perfecting nature.

Kassebaum amendment No. 4438, of a perfecting nature.

Mr. PELL. Mr. President, I have many times made statements about my long interest in developing improved avenues of communication between employees and their bosses, often referred to as codetermination. My statement therefore, will be brief today.

When employees and employers decide to enter into workplace committees to discuss workplace-related issues, both sides must place a great amount of trust and faith in the other. But society has instilled in workers the idea that employers are not allies but adversaries. Employers, who must be concerned about the health of the company, often view their employees in a similarly skeptical fashion.

For that reason, labor and management should always be commended when they join together in sincere cooperation for the benefit of all concerned. It is, however, important that the two be really interested in cooperating with the other and that the cooperation be sincere. Both employees and employers must trust the other and be sure that their views matter to the other.

While I do not see the need to create a strict framework for these conversations to take place, I do believe it is vital that employees feel confident they will not be punished for sharing their honest views with their employer. Workers must also feel that their views and thoughts are honestly being represented by those employee members of a workplace committee.

For that reason, I strongly oppose S. 295. Workers cannot be expected to take part in any committee under the total control of their boss. In any competitive job market, what right-minded worker would take the risk of sharing unpopular views about his workplace when the boss has complete control of the work committee?

During the 103d Congress, I introduced legislation outlining my views on this issue. During Labor Committee consideration of S. 295, I worked to develop compromise legislation to allow employees to select their representatives for workplace committees, to ensure that committee agendas are open to amendment by both labor and management and to prohibit unilateral termination of a workplace committee.

Teamwork is important on the playing field or in the workplace. As a old Princeton rugby player, I know you don't win the scrum unless you and your teammates have confidence in each other and work for the benefit of all.

Mrs. MURRAY. Mr. President, I rise today in full support of teams and yet, must voice my concerns with the proposed TEAM Act. It is very difficult not to support the initial goals of S. 295.

Who doesn't want cooperation between employees and their managers? I have met with countless companies from across Washington State who have boasted of increased productivity and efficiency from these teams. Their results have been impressive and have encouraged initiative and employee participation.

However, these cooperative partnerships are currently in place and functioning without disruption. Teams today, throughout my State and across American are succeeding and thriving. In fact, 96 percent of large employers and 75 percent of all employers report using such teams and employee involvement programs. These facts lead to my confusion over the need for additional legislation.

Employee committees, work teams, and quality circles that discuss questions of efficiency, productivity, quality, and work practices are currently allowed. Nothing prevents these teams from existing today and their growing popularity in corporations everywhere is proof of their strong existence.

I am most concerned about the delicate balance between management and employees established by the National Labor Relations Act and enforced by the National Labor Relations Board. This board has been charged with investigating possible section 8(a)(2) violations which have averaged just three violations per year for the last 22 years. In fact 20 years ago, the NLRB ruled against 29 section 8(a)(2) violations. Last year, the NLRB ruled against just 24 violations. There is no growing trend to stop these partnerships. There are no attempts by the NLRB to seek out and prevent these law-abiding employee-employer teams.

These cases can be compared to the 7,478 cases in 1995 which forced employers to hire back unlawfully discharged employees and the 8,987 cases last year in which employers had to provide employees back pay.

I wholeheartedly support the cooperation fostered through teams in companies both large and small. Washington State has witnessed enormous benefits from these employee committees that discuss issued from efficiency to quality of life. Let's continue this cooperation without tipping the scale and sacrificing workplace democracy.

If the employer chooses committee representatives to discuss issues of wages and hours, we will lose the entire management-employee balance. Mr. President, I have spoken with Secretary Reich about this issue after several meetings with concerned Washington State companies. I am confident that the teams now in place will remain in place and continue to prosper.

Let's maintain this current system, which is working, without jeopardizing these critical relationships.

Mr. HATFIELD. Mr. President, I rise to speak in support of the Teamwork for Employees and Management Act, S. 295, better known as the TEAM Act. I firmly believe that to be competitive in today's marketplace managers and employees need to have open lines of communication. The TEAM Act would amend the National Labor Relations Act [NLRA] to clarify that an employer may establish and participate in worker-management organization to address matters of mutual interest; quality, productivity, and efficiency. In addition, the bill would not allow the entity to negotiate or enter into collective-bargaining agreements.

Many American businesses have discovered that including their employees in workplace decisionmaking has increased their productivity. Unfortunately, a series of rulings by the National Labor Relations Board [NLRB] has prohibited employers from meeting with employees to discuss issues such as productivity, safety, and quality. While the NLRB made a decision based upon a fair interpretation which takes into account current law, this law was written at a time when company unions were commonly used to avoid unionization. However, I do point to the NLRA's failure to account for today's work force situations where there is an honest effort to increase productivity, safety, and quality among employees and employers.

Mr. President, in my home State of Oregon we have seen tremendous growth and development, much of it attributed to the influence of the electronics industry. To be competitive in today's international electronics market, employees must act in partnership with management. These partnerships succeed in a cooperative rather than an adversarial environment. However, under the specter of litigation, companies are fearful of implementing employee involvement programs [EI] or have stopped them altogether. Under the current National Labor Relations Board interpretation of the law, the definitions are so broad as to prohibit or restrict implementing these employee involvement programs. Again, many of our Federal labor laws were written in the 1930's, at time when employers used company unions or sham unions to avoid negotiating with representatives of employee selected unions. Labor laws such as Davis-Bacon were written in the 1930's and we know that it is in dire need of reform. These laws need to be updated and employers must be able to discuss the workplace environment without the fear of litigation or violating the National Labor Relations Act.

I believe that the TEAM Act will update and improve existing law to address the issue of legitimate company efforts to include employee input and increase competition in the marketplace. As written, S. 295 only amends the section of the NLRA which prohibits employer-dominated labor organizations and specifically provides that all other rights under the NLRA remain intact. Organizations do not have the authority to enter into or negotiate collective-bargaining agreements or to amend existing agreements and the TEAM Act certainly does not affect an employee's right to choose union representation. If workers choose to work through union representation, the employer must recognize and then arbitrate with the union.

Mr. President, my father was a longshoreman and I am an advocate for the common worker. Yet, I support the TEAM Act. It is not a contradiction to support labor and management when both mutually agree to improve work force efficiency, safety, and productivity; benefiting all those involved in the process. Give credit to today's workers who know their options and know when they are being treated fairly or unfairly. The TEAM Act secures an innovative opportunity for workers to contribute to the success of their companies. Let us ensure that workers have that option by passing the TEAM Act.

Ms. MOSELEY-BRAUN. Mr. President, I rise today in opposition to the TEAM Act.

The future prosperity of the United States depends, in no small part, on fostering a cooperative partnership between labor and management, so that we can continue to produce the best products, provide the best services, and develop the best work force in the world. This partnership is built on the principal of equality.

The United States is founded on this principal of equality. We, as a Nation, have a strong sense of fair play and of the importance of a level playing field. Allowing workers a real opportunity to unionize, to elect representation, and to bargain collectively is an important and basic part of these values.

In the 1920's and 1930's companies routinely used company unions or employee representation plans, as they were called to rebuff attempts by legitimate unions to organize and seek election by the workers within the company.

These company unions were created and controlled by management and could be disbanded or disregarded at the convenience of the company. The employee representatives were handpicked so that workers would not democratically elect their own representatives.

The company unions ended with the enactment of section 8(a)(2) of the National Labor Relations Act in 1935. Section 8(a)(2) was enacted to provide workers with the opportunity to be represented by someone who was not selected by the company, but rather someone who was democratically elected. The TEAM Act erodes that essential protection, and therefore represents a step back toward the days of company unions.

Current law does not prevent any worker from discussing any subject with management. The law merely prohibits a worker or workers from acting as the representative of the employees, in an employer dominated committee, to make decisions regarding wages, hours, and conditions of employment. Workers can meet individually, in small groups, or as a whole with management to talk, express opinions, or give suggestions.

What Section 8(2)(a) prohibits is employer creation and domination of employee groups where terms and conditions of employment are worked out. This falls under the prohibition that a company may not dominate or interfere with the formation or administration of any labor organization.

The fear of a return to company unions as a means of preventing union representation is very real. In fact, a company called Executive Enterprises is holding conferences across the country this summer entitled, ''How to Stay Union-Free Into the 21st Century.'' At a session called ''What Your Company Can Do Now to Preserve its

Union-Free Status Before Organizing Starts,'' the brochure tells participants they will learn—how your employee participation and empowerment programs can be successfully modified to avoid unfair labor practices and aid in union avoidance. The intent could not be more clear, nor could a better argument be made against this legislation.

The legislation we are considering today was written based on the false premise that the protections provided to workers under section 8(a)(2) of the National Labor Relations Act prevent cooperation in the workplace. Proponents argue that the National Labor Relations Act does not allow modern management to work with employees in a cooperative manner or in teams within the workplace.

In fact, section 8(a)(2) does not need to be weakened in order for this cooperation or these teams to exist. Under the current protections provided for in the National Labor Relations Act teams are flourishing throughout the country.

There are teams operating in companies across my State of Illinois. I have had the pleasure of talking with CEO's of Illinois companies who highlighted the excellent results of having workers come together on teams to address production problems and quality problems.

Under current law, companies are allowed to delegate significant managerial responsibilities to employee work teams. Employers can put together employee committees to consider quality, efficiency, and productivity. Employers can use employee expertise to help them create better, higher quality products in less time and with less cost, so that American goods are better, cheaper, and more competitive in overseas markets.

Thirty thousand companies across the Nation have some form of employee teams operating in their factories and shops; 96 percent of large employers have employee involvement programs and 75 percent of all workplaces have such programs. The numbers speak for themselves.

This legislation goes far beyond allowing cooperative teams designed to increase quality, efficiency, and productivity. This bill would allow employer chosen teams to engage in give-and-take regarding wages, hours, and other conditions of employment. Unelected employees would have the ability to make decisions about the basic working conditions of their fellow workers.

One of the key arguments many companies have made is that they are concerned that the teams operating in their shops may be found to violate section 8(a)(2) in some way. The Electromation case has been held up as an example of teams being ruled illegal by the National Labor Relations Board.

The background on this case is instructive. The employees at Electromation were unhappy over a series of changes the employer had made to compensation and work rules. The employer responded by implementing action committees. When the employees nonetheless turned to an outside union for representation, the employer suspended the committees and blamed the union for the suspension. The action committees were a vehicle to prevent union representation. A Bush administration appointed NLRB found that, in the Electromation case, the company had violated the law.

This case illustrates exactly the reason section 8(a)(2) exists, to protect against abuse. Under current law, employee teams are legal and they exist. As long as employers do not control the proceedings, employers can talk with employees about any issue they choose. Cooperation between employees and employers is vital to any successful business and the law in no way prevents this cooperation. The law merely prevents abuse.

Let us support a strong partnership between innovative employers and creative employees, and continue to let this section 8(a)(2) of the National Labor Relations Act protect the precious balance between the rights of employees and employers. I urge my colleagues to vote against the TEAM Act.

Mr. FEINGOLD. Mr. President, I rise today to speak in strong opposition of S. 295, the teamwork for employees and management bill. This bill, the so-called TEAM bill, is part of the continuing Republican assault on working families. It would virtually nullify section 8(a)(2) of the National Labor Relations Act, which forms the basis for collective bargaining procedures in the United States, and prohibits employers from dominating or interfering with the formation of labor organizations. Labor organizations, as defined by the NLRA, are composed of employee participants and exist for the purpose of dealing with employers regarding grievances, labor disputes, wages, rates of pay, hours of employment, or working conditions.

The TEAM Act would gut section 8(a)(2). In the name of promoting collaboration and communication between workers and managers, this bill would allow companies to dictate the membership and agenda of workplace teams. These teams would make recommendations to management on issues of quality, efficiency, and productivity, but could also discuss broader issues related to wages, hours, and working conditions.

Mr. President, I want to make it clear that I have no problem with the concept of employers and employees working together in crosscutting groups to develop innovative ways to improve quality or increase efficiency in the workplace. I have visited workplaces in my State that have implemented quality circles and labor-management committees, and have been impressed with their results.

An example is Master Lock, Inc., which I toured several summers ago. This leading Wisconsin company is a shining example of how employer-employee cooperation has led to improved working relationships and increased competitiveness. The company's joint labor and management coalition, comprised of various committees which address issues such as health and safety and ergonomics, has the support of the union and has resulted in improved employee morale and productivity.

Indeed, there has been a vast proliferation of such committees, or teams, in recent years. These organizations are useful, and legal, as long as they do not interfere with the collective bargaining process. Current law allows employee involvement, which I wholeheartedly support.

What I do object to is the notion that companies should appoint all members of workplace teams, particularly in cases in which teams are given broad reign to discuss issues that have been the domain of collective bargaining for the last 60 years. Under this bill, employers would have the right not only to select who belongs to teams, but would also be able to remove those members at any time, for any reason. Management could set the agenda, including discussion of wages, hours, and working conditions, as long as the employee members did not make official recommendations on behalf of their colleagues on these issues. This, I am convinced, would undermine the collective bargaining process.

Senator Robert Wagner, the original sponsor of the NLRA, recognized that employees are empowered only when they select their own representatives in a democratic process. More than 60 years ago, he said, ''[only] representatives who are not subservient to the employer with whom they deal can act freely in the interest of employees. Simple common sense tells us that a man does not possess this freedom when he bargains with those who control his source of livelihood.'' And yet, the TEAM Act threatens to take precisely that freedom away from America's workers. Allowing companies to select all worker representatives and dominate team activities would be a significant step backward in workplace democracy. It would take us back to the days of company unions.

Supporters of the TEAM Act are quick to point out that the language of the bill specifically prohibits teams from engaging in collective bargaining with management. But in fact, employees who serve on management-selected teams will represent their coworkers. That is a labor organization, and that is precisely what Congress intended to prevent when it passed the NLRA. In fact, Congress has repeatedly rejected the notion of company-dominated labor organizations—in the 1930's, and again in 1947 during debate on the Taft-Hartley Act.

This bill threatens real, democratically elected worker representation. Even though the bill says that management-dominated teams would not be allowed to negotiate with employers

about wages, benefits, or working conditions, teams can still discuss all these issues, as long as they don't make recommendations to management on behalf of workers. It is not difficult to imagine situations in which managers who prefer dealing with self-selected teams would place more weight on the ideas of teams than on the proposals of unions. In this way, the bill threatens the viability of unions.

Labor experts agree. The bipartisan Dunlop Commission, made up of leading business, union, and academic representatives, conducted an in-depth analysis of labor-management relations in 1993 and 1994. One of their recommendations, upon completion of the study, was: ''The law should continue to make it illegal to set up or operate company-dominated forms of employee representation.'' Members of the Dunlop Commission, including four former Cabinet Secretaries, the CEO of Xerox, a representative from the small business community, and several academics, unanimously oppose the TEAM Act. I'm sure all of my colleagues have also read the letter signed by more than 400 of the Nation's labor law and industrial relations professors opposing this bill. They say in their letter, ''we are persuaded that passage of the TEAM Act would quickly lead to the return of the kind of employer-dominated employee organization and employee representation plans which existed in the 1920's and 1930's.''

And in fact, that is the real goal of the TEAM Act. Management-dominated teams are antidemocratic mechanisms for companies to fight real worker-selected representative labor organizations. They are anti-union tools. Research has shown that employers who establish teams, or employee involvement plans, after union organizing campaigns are more likely to defeat unions than those who do not. Without exception, managers surveyed in a 1989 Harvard Business School study agreed that employee representation plans were ''a valuable and proven defense against unionization.''

Edward Miller, a former chairman of the NLRB and a current management-side labor lawyer, testified in 1993 before the Dunlop Commission, ''While I represent management, I do not kid myself. If section 8(a)(2) were repealed, I have no doubt that in not too many months or years sham company unions would again recur.''

There are many misconceptions among my colleagues about current labor law, and about what this bill would do. Fred Feinstein, the general counsel of the NLRB, investigates possible violations of the NLRA and prosecutes meritorious claims. Mr. Feinstein recently responded to a letter from the senior Senator from Massachusetts, Senator KENNEDY, to clarify what in his opinion were some inaccurate statements about the NLRA and the TEAM Act, made last week on the Senate floor. In his letter, Mr. Feinstein explained that, under current law, it is not illegal for employers to supply office supplies and meeting space to employee organizations, or to talk to employees or seek suggestions. It is not illegal for employers to discuss flexible work schedules with employees, or to seek input from them about improving productivity, or to talk to them about tornado warning procedures. Despite assertions to the contrary made by my colleagues last week, none of these procedures is illegal.

The bottom line, according to the general counsel of the NLRB, is that ''employees can provide information or ideas without engaging in dealing under the NLRA. Further, employees can make proposals through an organization, to which the employer may respond, where the employees have control of the structure and function of the organization.''

If this Congress really wanted to empower workers and encourage employee involvement and communication with management, it would allow workers to select their own representatives to teams, so that they would be accountable only to their fellow employees. More importantly, it would empower the NLRB to impose more powerful sanctions on companies that unlawfully discharge employees involved in union organizing. According to the Dunlop Commission, union supporters are fired illegally in one out of four elections. This rate is five times higher than it was in the 1950's, and remedies often take place several years after the event.

The real purpose of this bill is to undermine workplace democracy, and to bash on unions, not to empower employees. I am pleased that President Clinton has taken a stand on behalf of working men and women by pledging to veto this unwise and destructive bill. But I hope the bill never reaches his desk. I urge my colleagues to support representative democracy in the workplace, and to oppose the TEAM Act. Let's respect the right of employees to select their own representation, just as we have insisted on the right of citizens to select their own representatives to this body for over 200 years.

Mr. CHAFEE. Mr. President. I appreciate the opportunity to speak in favor of the TEAM Act, S. 295. I want to commend our able chairman of the Labor and Human Resources Committee, Senator KASSEBAUM, for her vision and tenacity in shepherding this bill to the floor.

I have closely examined the arguments made by both labor and management on the issue of teaming, and the state of current law in this area.

In my view, Congress has a responsibility to provide an unambiguous safe harbor for employers to utilize employee participation groups, quality circles, and other team concepts to advance the competitiveness of U.S. industry. The health of our economy and the jobs on which we all depend are at stake in this struggle.

The National Labor Relations Board [NLRB] has been left with the difficult task of administering a 61-year-old statute which has changed little since its enactment in 1935. The state of labor management relations was very different in those days, with unions struggling to secure their place in our industrial fabric.

The National Labor Relations Act [NLRA] was a logical response to this turbulent period in our labor management history. The provision of the NLRA aimed at preventing employers from creating sham unions, section 8(a)(2), was a direct response to this challenging period.

It is this very provision and how it is being interpreted today by the NLRB that is the cause for this debate and the legislation now before the Senate.

Most labor management strife faded from the industrial landscape long ago. In contrast, today, American businesses and their employees are in the fight of their lives to remain competitive in this global marketplace. We have lost tens of thousands of high-paying manufacturing jobs over this past decade to foreign competition. Unfortunately, I can identify countless casualties in my own State of Rhode Island.

This troubling circumstance has forced American industry to produce better products, to become more efficient and to increase productivity. This painful, but necessary reexamination has placed an absolute premium on labor-management cooperation.

Those firms that have been able to succeed and adapt to this new environment have increasingly relied upon employee participation groups, quality circles, and other team concepts to strengthen productivity, weed out inefficiency, and respond rapidly to changing consumer attitudes and demands.

Mr. President, enactment of the TEAM Act would simply conform labor law with what is already occurring on shop floors throughout America. The fact is, employee involvement committees, quality circles and other team concepts exist in some 30,000 workplaces across the country. All but a small percentage of our largest employers stake their very survival on the ability to form team mechanisms and employee participation groups.

Here is the problem in a nutshell. Section 8(a)(2) of the NLRA prohibits employers from interfering with the formation and/or organization of any ''labor organization,'' or from contributing financial support to such entities. On the surface that seems reasonable.

However, the definition of ''labor organization'' makes illegal most of the employee involvement committees in operation today, since it stipulates that any organization which deals with hours of employment or conditions of work is a ''labor organization.''

The fact is that in today's complex workplace conditions of employment can be very broadly construed to apply

to how an assembly line is configured, to the kind of protective gear employees must wear, or even to attendance policies.

Faced with this ambiguous situation, employers need to have a safe harbor within which such employee involvement committees can operate without fear of NLRB intervention.

The Team Act is that safe harbor. It would authorize the use of employee participation teams to help strengthen the competitiveness of American firms, while making clear that such mechanisms cannot be used to subvert or replace the collective bargaining process, or an employee's right to union representation.

Employers and employees must be empowered with the necessary tools to compete in a global economy. S. 295 is a logical, balanced response, which contains the necessary safeguards to protect unions and workers, while at the same time strengthening needed employer-employee cooperation.

I am hopeful President Clinton will reconsider his staunch opposition to this critical legislation.

AMENDMENT NO. 4437

The PRESIDING OFFICER. The question occurs on amendment 4437 offered by the Senator from North Dakota [Mr. DORGAN]. There will be 1 minute of debate on the amendment equally divided in the usual form.

The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, there is not a disagreement in this Chamber about whether there ought to be teamwork in the workplace. We believe there ought to be opportunities for management and workers—those who own businesses and those who work in the businesses—to get together and establish conditions to work together to become more efficient and to find ways to do things in a better way.

There is a lack of clarity as a result of NLRB decisions. I have offered an amendment that tries to establish additional clarity that permits workplace cooperation. There is a right way to do this and a wrong way to do this.

The amendment that I have offered, I think, is the right way to enhance teamwork in the workplace to achieve those goals. I believe the underlying legislation that comes to the floor of the Senate does much more than that in a negative way.

So I ask the Chamber to support the amendment that I have offered and to oppose the proposal that is brought to the floor of the Senate in the underlying piece of legislation.

The PRESIDING OFFICER. The Senator from Kansas.

Mrs. KASSEBAUM. Mr. President, regarding the Dorgan amendment, I would just say that I think we are better off the way things are than to try to develop a rigidity that I think would occur in the amendment offered by the Senator from North Dakota. It requires a committee structure that is very rigid and lacks the flexibility that we were trying to address. I do not believe it in any way answers the concerns and the questions that have been raised by the actions of the NLRB regarding a lack of understanding on how employees get together under the National Labor Relations Act. That was the purpose of the legislation before in the TEAM Act, and I will address my amendment later.

Mr. DORGAN. 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 (Mr. CAMPBELL). The question is on agreeing to amendment of the Senator from North Dakota. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Mississippi [Mr. COCHRAN] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 36, nays 63, as follows:

[Rollcall Vote No. 189 Leg.]

YEAS—36

Akaka	Dorgan	Levin
Baucus	Exon	Mikulski
Biden	Feinstein	Moynihan
Boxer	Ford	Pell
Bradley	Glenn	Pryor
Breaux	Graham	Reid
Bryan	Harkin	Robb
Bumpers	Inouye	Rockefeller
Byrd	Johnston	Sarbanes
Conrad	Kennedy	Simon
Daschle	Kerry	Wellstone
Dodd	Kohl	Wyden

NAYS—63

Abraham	Gramm	Mack
Ashcroft	Grams	McCain
Bennett	Grassley	McConnell
Bingaman	Gregg	Moseley-Braun
Bond	Hatch	Murkowski
Brown	Hatfield	Murray
Burns	Heflin	Nickles
Campbell	Helms	Nunn
Chafee	Hollings	Pressler
Coats	Hutchison	Roth
Cohen	Inhofe	Santorum
Coverdell	Jeffords	Shelby
Craig	Kassebaum	Simpson
D'Amato	Kempthorne	Smith
DeWine	Kerrey	Snowe
Domenici	Kyl	Specter
Faircloth	Lautenberg	Stevens
Feingold	Leahy	Thomas
Frahm	Lieberman	Thompson
Frist	Lott	Thurmond
Gorton	Lugar	Warner

NOT VOTING—1

Cochran

The amendment (No. 4437), as modified, was rejected.

Mrs. KASSEBAUM. Mr. President, I move to reconsider the vote.

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

AMENDMENT NO. 4438

The PRESIDING OFFICER. Under the previous order, the question occurs on agreeing to amendment No. 4438 offered by the Senator from Kansas [Mrs. KASSEBAUM]. There will now be 1 minute of debate on the amendment equally divided and controlled in the usual form.

The Senator from Kansas [Mrs. KASSEBAUM].

Mrs. KASSEBAUM. Mr. President, my amendment is identical with the House-passed language. I want to make a couple of points about why I believe the TEAM Act is important. One, it applies only to nonunion settings.

The PRESIDING OFFICER. The Senator will withhold her comments until we can get order in the Chamber.

The Senator may proceed.

Mrs. KASSEBAUM. This applies only to nonunion settings.

It has been misrepresented by some as applying to union companies as well.

Second, the purpose for this is in order to say to employers that they should be free to discuss with employees those issues of concern to both. It is to address an environment in the workplace that will help us meet the new reality of our competition and our productivity today that is important for good communication. It is a bill that only represents common sense. It is not in any way designed to be a destroyer of the unions, and I urge support for my amendment and the TEAM legislation.

The PRESIDING OFFICER. Is there further debate?

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

May we have order in the Senate, please.

The Senator from Massachusetts [Mr. KENNEDY] is recognized.

Mr. KENNEDY. Mr. President, this is a cosmetic change to the underlying bad bill. Effectively, the TEAM Act would apply to 90 percent of American businesses. The fact is 30,000 companies now have these joint, cooperative programs in workplaces across the country. They cover 75 percent of all the employers, 96 percent of the Nation's biggest employers. There have been 224 cases that have been brought over the period of the last 4 years. There have only been 15 cases decided by the NLRB—only 15 cases; 30,000 incidents of cooperation and only 15 cases in the last 4 years.

This is a solution to a problem that does not exist. Basically, what you are doing with it is opening up the very real possibilities of companies being able to dictate who will speak for the employees on working conditions and all other matters that concern them in the workplace. It puts management in control of both sides of the bargaining table. It means management will be talking to itself instead of talking honestly with workers, and it does not deserve to pass. It deserves the veto that it will receive.

The PRESIDING OFFICER. All time has expired on the amendment.

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

Mrs. KASSEBAUM. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have been requested. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. NICKLES. I announce that the Senator from Mississippi [Mr. COCHRAN] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 61, nays 38, as follows:

[Rollcall Vote No. 190 Leg.]

YEAS—61

Abraham	Gorton	McConnell
Ashcroft	Gramm	Murkowski
Bennett	Grams	Nickles
Bond	Grassley	Nunn
Breaux	Gregg	Pressler
Brown	Hatch	Pryor
Bryan	Hatfield	Reid
Bumpers	Heflin	Roth
Burns	Helms	Santorum
Byrd	Hollings	Shelby
Chafee	Hutchison	Simpson
Coats	Inhofe	Smith
Cohen	Jeffords	Snowe
Coverdell	Kassebaum	Specter
Craig	Kempthorne	Stevens
D'Amato	Kyl	Thomas
DeWine	Lieberman	Thompson
Domenici	Lott	Thurmond
Faircloth	Lugar	Warner
Frahm	Mack	
Frist	McCain	

NAYS—38

Akaka	Feinstein	Levin
Baucus	Ford	Mikulski
Biden	Glenn	Moseley-Braun
Bingaman	Graham	Moynihan
Boxer	Harkin	Murray
Bradley	Inouye	Pell
Campbell	Johnston	Robb
Conrad	Kennedy	Rockefeller
Daschle	Kerrey	Sarbanes
Dodd	Kerry	Simon
Dorgan	Kohl	Wellstone
Exon	Lautenberg	Wyden
Feingold	Leahy	

NOT VOTING—1

Cochran

The amendment (No. 4438) was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senate bill is considered read a third time, and the House bill, H.R. 743, is discharged from the Committee on Labor and Human Resources. The clerk will report the House bill.

The assistant legislative clerk read as follows:

A bill (H.R. 743) to amend the National Labor Relations Act to allow labor management cooperative efforts that improve economic competitiveness in the United States to continue to thrive, and for other purposes.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. Under the previous order, all after the enacting clause of H.R. 743 is stricken, the text of the S. 295, as amended, is inserted in lieu thereof, and the bill is considered read a third time.

The question is, Shall the bill, H.R. 743, as amended, pass? A rollcall vote has not yet been requested.

Mr. DASCHLE. Mr. President, 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, Shall the bill as amended, pass? The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Mississippi [Mr. COCHRAN] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 53, nays 46, as follows:

[Rollcall Vote No. 191 Leg.]

YEAS—53

Abraham	Gramm	McConnell
Ashcroft	Grams	Murkowski
Bennett	Grassley	Nickles
Bond	Gregg	Nunn
Brown	Hatch	Pressler
Burns	Hatfield	Roth
Chafee	Helms	Santorum
Coats	Hollings	Shelby
Cohen	Hutchison	Simpson
Coverdell	Inhofe	Smith
Craig	Jeffords	Snowe
D'Amato	Kassebaum	Specter
DeWine	Kempthorne	Stevens
Domenici	Kyl	Thomas
Faircloth	Lott	Thompson
Frahm	Lugar	Thurmond
Frist	Mack	Warner
Gorton	McCain	

NAYS—46

Akaka	Feingold	Lieberman
Baucus	Feinstein	Mikulski
Biden	Ford	Moseley-Braun
Bingaman	Glenn	Moynihan
Boxer	Graham	Murray
Bradley	Harkin	Pell
Breaux	Heflin	Pryor
Bryan	Inouye	Reid
Bumpers	Johnston	Robb
Byrd	Kennedy	Rockefeller
Campbell	Kerrey	Sarbanes
Conrad	Kerry	Simon
Daschle	Kohl	Wellstone
Dodd	Lautenberg	Wyden
Dorgan	Leahy	
Exon	Levin	

NOT VOTING—1

Cochran

The bill (H.R. 743), as amended, was passed, as follows:

Resolved, That the bill from the House of Representatives (H.R. 743) entitled ''An Act to amend the National Labor Relations Act to allow labor management cooperative efforts that improve economic competitiveness in the United States to continue to thrive, and for other purposes.'', do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Teamwork for Employees and Managers Act of 1995''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the escalating demands of global competition have compelled an increasing number of employers in the United States to make dramatic changes in workplace and employer-employee relationships;

(2) such changes involve an enhanced role for the employee in workplace decisionmaking, often referred to as ''Employee Involvement'', which has taken many forms, including self-managed work teams, quality-of-worklife, quality circles, and joint labor-management committees;

(3) Employee Involvement programs, which operate successfully in both unionized and nonunionized settings, have been established by over 80 percent of the largest employers in the United States and exist in an estimated 30,000 workplaces;

(4) in addition to enhancing the productivity and competitiveness of businesses in the United States, Employee Involvement programs have had a positive impact on the lives of such employees, better enabling them to reach their potential in the workforce;

(5) recognizing that foreign competitors have successfully utilized Employee Involvement techniques, the Congress has consistently joined business, labor and academic leaders in encouraging and recognizing successful Employee Involvement programs in the workplace through such incentives as the Malcolm Baldrige National Quality Award;

(6) employers who have instituted legitimate Employee Involvement programs have not done so to interfere with the collective bargaining rights guaranteed by the labor laws, as was the case in the 1930's when employers established deceptive sham ''company unions'' to avoid unionization; and

(7) Employee Involvement is currently threatened by legal interpretations of the prohibition against employer-dominated ''company unions''.

(b) PURPOSES.—The purpose of this Act is—

(1) to protect legitimate Employee Involvement programs against government interference;

(2) to preserve existing protections against deceptive, coercive employer practices; and

(3) to allow legitimate Employee Involvement programs, in which workers may discuss issues involving terms and conditions of employment, to continue to evolve and proliferate.

SEC. 3. EMPLOYER EXCEPTION.

Section 8(a)(2) of the National Labor Relations Act is amended by striking the semicolon and inserting the following: '': Provided further, That it shall not constitute or be evidence of an unfair labor practice under this paragraph for an employer to establish, assist, maintain, or participate in any organization or entity of any kind, in which employees who participate to at least the same extent practicable as representatives of management participate, to address matters of mutual interest, including, but not limited to, issues of quality, productivity, efficiency, and safety and health, and which does not have, claim, or seek authority to be the exclusive bargaining representative of the employees or to negotiate or enter into collective bargaining agreements with the employer or to amend existing collective bargaining agreements between the employer and any labor organization, except that in a case in which a labor organization is the representative of such employees as provided in section 9(a), this proviso shall not apply;''.

SEC. 4. LIMITATION ON EFFECT OF ACT.

Nothing in this Act shall affect employee rights and responsibilities contained in provisions other than section 8(a)(2) of the National Labor Relations Act, as amended.

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

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

The motion to lay on the table was agreed to.

MORNING BUSINESS

Mr. NICKLES. Mr. President, I ask unanimous consent that with respect to the previously ordered morning business period, that Senator DASCHLE

or his designee be in control of the first 40 minutes and that Senator THOMAS or his designee be in control of the remaining 20 minutes.

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

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

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

THE DEMOCRATIC AGENDA

Mr. DORGAN. Mr. President, we had asked for some time today to discuss the agenda that we have developed over recent months, to talk about what we think we ought to be doing and where we think this country ought to be heading. I am going to speak for a few minutes. My colleague, Senator REID from Nevada, will address a number of the topics, and our colleague, Senator BOXER from California, will address a number of them. We will similarly have a discussion tomorrow about the same issues.

The reason we wanted to do this, it is easy to be against things. It does not take any skill or any great intelligence to be opposed to things. I think it was Mark Twain who once, when asked if he would participate in a debate, said, ''Fine, provided that I can be on the opposing side.'' They said, ''Why?'' And he said, ''That will take no preparation.''

It takes no skill, time, or preparation to oppose. Those who oppose can do it immediately and quickly without much thought.

The question is not what are we opposed to. The question in Congress is, what do we stand for? Why are we here? What are we doing? What do we want for this country?

I begin by saying, in the end and in the final analysis, the question of whether we are on the right track in this country, whether we are headed in the right direction, is not measured by any myriad of statistics put out by the Federal Reserve Board or the Treasury Department or the Census Bureau or any organization in this town or elsewhere; it is, finally, measured when people sit down at the supper table at home at night and ask themselves, how are we doing? Is our standard of living improving? Are we moving ahead? Are we able to find good jobs, keep good jobs? Are our children able to find good jobs? Are we secure? Is there crime in the street that threatens us? Do our kids have an opportunity to go to good schools? Are our roads in good shape?

A whole range of questions like that relate to the determination of whether individual families are doing better. In shorthand, the way of saying it is, if at the end of the day the standard of living in this country is not increasing, then we are not moving in the right direction. The question is, what kind of choices, what menu of opportunities exist for us to make decisions in this country in both the private sector and the public sector that increase the standard of living, keep us moving forward?

As a society, if you read the history of our country, you will discover that we have always had a circumstance where, generally speaking, parents believed things work better for their children and they were willing to do things to make life better for their children—investing in schools, for example, so that we would have the best education in the world. Those are the kinds of things that created a circumstance where our economy has been a remarkable economy, producing jobs and opportunities, so that standards of living increased in our country routinely and regularly.

We have now reached a period where we are more challenged in those areas. We now have what is called a global economy in which 2 or 3 billion workers around the world now compete with about two-thirds of the American work force, and many of those other people around the world work for very low wages. It is not unusual to hear the stories of 10-year-olds, 12-year-olds, 20- or 40-year-olds working for 10 cents an hour, 20 cents an hour or $1 an hour, for 10 hours or 15 hours a day in other parts of world. The product of that work shows up in Pittsburgh or Denver or New York or Fargo, to be sold on the shelf and purchased by the American consumer.

It all relates to this question: Are we doing the things necessary in the public sector and the private sector to improve life in America and to increase the standard of living in our country?

About a year ago, Senator DASCHLE, the minority leader, asked Senator REID and myself to engage in an effort with other members of our caucus, a fairly substantial group of the Democratic caucus, to put together an analysis of what is it that represents our positive agenda, what kind of things do we want to see accomplished in Congress, what kind of ideas exist that we think will improve life in America. We held meeting after meeting and tried to get the best ideas that existed among those from the Democratic side of the aisle here in Congress in order to develop an agenda. The Senator from Nevada was very active in that with me, and the Senator from California, Senator BOXER was very active. We developed an agenda and worked with the Democratic caucus on that agenda.

Following that, we took that as a starting point and then worked with the members of the Democratic caucus in the House of Representatives and with President Clinton and others and synthesized this and developed this into a fairly common agenda that says: Here is what we are for, here is why we are here, here is what we want to have happen that we think will improve life in America.

Let me give you some examples. The agenda talks about ''families first.'' This is families first. I talk about it in the context of jobs, kids, and values. That is what people who sit around the dinner table talk about. What kind of jobs do we have? What kind of opportunity do we have? What kind of security do we have? What about our kids; how are the schools? What about crime? What about values? What are they seeing on television? A whole series of issues surrounding families, American families.

We talk about it in the context of responsibility and security. First, we say we believe that we ought to have a balanced Federal budget. We believe it is possible, we believe it is achievable, and we believe it ought to be done. It ought to be done the right way.

There are some who would balance the budget with all the wrong priorities. Last year I spoke at length about those who would say, ''Let us cut the Star Schools Program by 40 percent and increase the star wars program by 100 percent.''

Now, that is a wrongheaded approach, but we should balance the Federal budget. The era of big government is over. Our agenda does not suggest that Government can, should, or will solve all of the problems of this country. But we can contribute in the right way. So we say we ought to balance the Federal budget. That is part of the democratic agenda.

We ought to help small businesses, medium-sized businesses, and others in this country thrive, survive, and create jobs and compete. There are a series of ways to do that, and we talk about that in the agenda.

We ought to also reinvest in our communities and infrastructure. We ought to make sure that the basic things that deal with everyday life—roads, bridges, rail systems, and others—are up to date and are not decaying.

Then we talk about individual responsibility and a welfare system that works. We call it work first. That is what we stand for—work first. We say, especially in this proposal for welfare, that we ought to get tough with deadbeat parents. Why on earth should other taxpayers be stuck paying tens of billions of dollars that is owed especially by fathers who have left their families and decided they are not going to pay a cent for the welfare of their children, so those deadbeats say to the rest of the taxpayers, ''You pick up the tab of something I will not pay for,'' which is basic care for their children. We say that has to stop. That is part of welfare reform as well.

A national crusade to end this burgeoning teenage pregnancy in this country is part of our agenda. That, of course, starts at home, in the home, in the community. But we believe that is an important element of what we ought to be doing to try to improve life in this country.

On the issue of security and crime, we think the President's proposal to put more cops on the street, on the beat, to have more community policing, makes eminent good sense. We support that and would increase it. We believe that there are initiatives to keep kids off the street and out of gangs that ought to be employed. Communities know best how to do that, and we can help those communities with programs and resources.

We believe that we ought to make an even greater effort to clean the drugs out of our schools. We ought to say to everybody in this country who is on probation or on parole that you are going to be drug tested while you are on probation or parole.

Our agenda talks about retirement security. We say those who would dip into employee pension funds and leave the pension funds vulnerable are doing a disservice to the people who work in this country. Stiffer penalties for the abuse of pension funds and a crackdown on companies who have taken the money that you have earned and that you have saved in that pension funds is part of our agenda.

Making pensions portable, to move from one job to another, encouraging companies to make pensions available. Half of the American work force does not have a pension.

The issue of health care. We have already passed a health care bill that we have pushed hard for, which makes health care insurance portable and eliminates, in many instances, the preexisting-condition requirement.

Those are the kinds of things that are in our agenda. With respect to the issue of jobs, we believe that it is time to say to American corporations, and to all companies, that we want you to create jobs in this country, not move jobs overseas. Our agenda says we are going to take the first baby step—and it is only a baby step, but we are going to force it to be taken—to shut down this idiotic and perverse tax benefit that says you can close your American plant, move your jobs overseas, and the taxpayers will give you a benefit. There is $2.2 billion of reward in our Tax Code to go to companies who close American plants and shut off jobs here and move overseas. We say in this agenda that, if you cannot take that first baby step, we do not have a chance of solving the jobs problem in this country.

Well, Mr. President, the families first agenda is not a big government solution to what ails our country. This is a wonderful, remarkable country filled with strength, filled with, I think, hope and optimism, a country that needs to be led by people with a vision and agenda that says here are the practical steps that we can take to make this a better country, to provide for opportunity and to provide for hope for all Americans. That is why we constructed an agenda. Is it perfect? No. Does it move us in the right direction? Yes.

This is not about appealing to special interests. It is not, as so often happens in this town, responding to the needs of the powerful. But it is about putting the families first, trying to understand that when all the dust settles and the day is ended, the standard by which we measure whether America has progressed is one in which we ask ourselves: Have we improved life in this country for working families?

Mr. President, let me now turn to my colleague from Nevada, Senator REID, who cochaired the effort with me in the Senate caucus, and Senator REID will continue to discuss part of this agenda. He will be followed by Senator BOXER.

Mr. REID. Would the Chair advise the Senator how much time is left under the control?

The PRESIDING OFFICER. The Senator from North Dakota has 27 minutes 35 seconds.

Mr. REID. Will the Chair advise the Senator when I have used 10 minutes?

The PRESIDING OFFICER. Yes.

Mr. REID. Mr. President, as Senator DORGAN indicated, we were asked by the minority leader to be cochairs of a Democratic task force to come up with an agenda for the Democrats. We were cochairs, and we had a number of people who worked on the task force. The Senator from California, Senator BOXER, was one that attended, I think, every meeting that we held of the task force. I also think it is important, Mr. President, to note that we did not do any polling to determine how we should stand on issues. We had people come in and talk to us. We came up with an agenda not based on opinion polls, but based on our gut, what we felt was the right thing to do for this country.

After having made that decision, Mr. President, we presented our task force results to the Democratic minority, the leadership here, and they accepted, with some revisions, what we did. We then asked every member of the caucus to make some remarks, to go over what we had done, and to get back to us with the changes they thought should be made in our agenda. A significant number of Senators told us what they felt should be changed. Many of those we were able to incorporate in the final product.

After that, Mr. President, we went to the ranking members and made a presentation to them of what we had come up with. They approved of what we did. After that, we again took it to the entire caucus. They accepted what we did. At that time, the minority leader, Senator DASCHLE, started a series of meetings with Representative GEPHARDT, the minority leader in the House of Representatives. After several weeks of consultations and meetings, there was an agreement on refining what we had done here in the Senate. Following that, the presentation was made to the President, the executive branch of Government, and they approved of it. Then there was a final roll-out of this product. We are very proud of what we have done. We believe that this agenda gives Democrats across the Nation a view of how we stand on issues.

The agenda is designed to do some good for American families, instead of what we believe is a misguided scheme to reshape America, which has been offered this past year and a half.

This new agenda features realistic, moderate, achievable ways to help every hard-working American family. It is the families first agenda, Mr. President. It is an important program because we, first of all, talk about security. There are all kinds of different securities that we must be concerned with. A healthy, safe family certainly is a start. Before you can discuss any of the security issues, you have to understand that we believe American families deserve economic and personal security, paycheck security, health care security, retirement security, and personal security.

Let us first talk about personal security. Never in the history of this country have we had such difficult problems with security for kids. I am a father of five children, and it was a big occasion for us when our kids started school because the kids were getting into a new environment. It was a big occasion in our life when we would take the kids to school the first day. But basically after that the kids were safe. They either went on a bus or lived close enough that they walked. Kids did not have to worry about being beaten up or shot on the way to school. But now they do. I can remember a real trauma in the life of one of my children. They had been sprayed with a water gun on the way home. Not anymore. Kids are sprayed with bullets from real guns. They are injured, maimed, and killed. These days we have to be concerned about a world where we have this violence. All across America violence from drugs and gangs is creeping into the halls of our schools and streets in neighborhoods all over America.

The Presiding Officer is from the beautiful State of Colorado. Mr. President, Colorado has gang problems. Colorado has drug problems. That would have been unheard of to talk about 10 or 15 years ago. But not anymore. It is that way all over America. You cannot escape random violence and problems.

Parents across this Nation in cities, suburbs, and small towns alike are increasingly worried about their children's safety. No one will ever come up with a single magic solution for the crime problem. But we can take a strong step to fight crime by giving our police and community leaders the tools they need to tackle violence and combat the influence of this pernicious drug problem.

We want to make sure we have enough police on our streets, and we will work to keep our promise of 100,000 new police officers for local communities. We are about 40 percent of the way there.

I can speak being a Senator from Nevada. These police officers have helped. Even in Nevada, the tourist mecca of

the world, violent crime by adults is going down. We have problems with violent crime by kids as we do all over America. But we are making progress all over America. We are making progress because we have come to the realization that it is a small number of criminals—about 8 percent of the criminals—that contribute to over 70 percent of the violent crime in America, and we are taking steps to make sure that we do something with that 8 percent.

We have to be concerned—that we not only have to do something about crimes being committed, but law enforcement must be involved in programs to give them greater power to intervene with kids before they commit crimes. That is before it is too late.

We want to help local community groups offer supervised places where kids can go after school to stay out of trouble. We spend these huge amounts of money on capital construction for schools, and after 3 or 4 o'clock in the afternoon the fences are put up, the lights are turned off, and they are not used. We believe they should be used.

The families first agenda calls for putting more cops on the beat, keeping kids off the streets and out of gangs, cleaning drugs out of schools, and testing drug offenders.

Mr. President, security covers a lot. Safer families—we talked about more cops on the beat. We talked about keeping kids out of gangs and off the streets.

But we also have to be concerned about paycheck security. Mr. President, paycheck security is something that we talk a lot about. But we do not do a lot about it sometimes. It used to be when people went to work they stayed on the job a lifetime. Now the average life of a job is a little over 6 years. People are continually afraid of losing their jobs. We are concerned about that also. We believe that if we are going to have paycheck security there are certain minimums we must have.

First, affordable child care—if we are going to get women off welfare because—the vast majority of people who get aid to families with dependent children are women. If we are going to get women into the job market, we are going to have to do something about child care. There is no other way.

We have to ban imports using child labor. And we have to have fair pay for women; that is, we do not shy away from it.

This is a specific plank of the Democrats' families first agenda—fair pay for women. We just passed yesterday the minimum wage bill. Most people think the minimum wage bill is for teenagers at McDonald's flipping hamburgers—not true. Sixty percent of the people who draw the minimum wage are women. For 40 percent of the women it is the only money they get for themselves, and their families. We believe we have to have fair pay for women, and we did it a little bit yesterday—a small step by making sure that we increase the minimum wage.

Retirement security—many Americans cannot afford to worry about a secure retirement until it is far too late because they are preoccupied paying the bills, keeping their kids clothed, fed, and in school.

Many parents do not realize the limits of their pension plans until they are ready to retire, and there is nothing more they can do. Retirement security can also be easily thrown into jeopardy.

For elderly couples, their fixed-income pensions are dramatically cut because of a company bankruptcy, or one of the mergers that is taking place in the last 10 years. Merger mania has run rampant in American business.

Middle-aged workers are forced to change jobs, and they lose years of equity in their pension plans, and sometimes totally lose their pension plans. Women learn after it is too late that their husband unwittingly signed away their survivor's benefits.

We want to make people's pensions more secure and more flexible. We want to give more people access to pensions, including employees with small businesses. We want to let people take their pensions when they leave a job—portability.

We want to give families flexibility to use their IRA to buy a home for the first time, or maybe even pay for college tuition. We want to protect widows from unethical insurance companies who try to mislead them into signing away their survivor's benefits.

Most importantly, we want to stop companies from raiding employee pensions.

The PRESIDING OFFICER (Mrs. SNOWE). The Senator has used 10 minutes.

Mr. REID. We have 17 minutes remaining. Is that right?

The PRESIDING OFFICER. That is correct.

Mr. REID. I ask for 3 more minutes.

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

Mr. REID. The families first agenda calls for pension reform, making pensions portable, and protecting women's pension benefits.

Madam President, it is important, if we are going to have retirement, that it be dependable. And that is why we talk about protecting the pension savings to include Social Security and Medicare—better access and protection for women of the pension plans that they should be able to have at the right time.

We want an opportunity for a better future, to create jobs at home, boost small businesses, invest in our communities.

Education—we want educational opportunities.

One of a parent's proudest moments—and we have all been to them—is when they get a diploma. It does not have to be a diploma from Harvard or Yale or UCLA. It can be a diploma from a trade school. A parent is just as proud.

We have to make sure that a person's ability to go to college is not dependent on how much money their parents have.

That is what our families first agenda talks about.

For parents lucky enough to get children through school, the most common graduation present is thousands of dollars in student loan debt, and that applies whether the student goes to Harvard or Yale or a trade school. Parents have to borrow the same.

Education is the key to opportunity. We want to offer families a helping hand—a way to make sure their kids get to college or to a trade school without busting the family budget. We want to make sure that all children have the opportunity to advance educationally.

That is why we will offer some new scholarships to children who make good grades and stay away from drugs—a new tax deduction making college and vocational school tuition tax deductible to help families afford education and job training. Our families first agenda calls for a $10,000 tax deduction for college and job training—2 years of college for kids with good grades. And this includes trade schools.

We need affordable education. We have to make sure that our young people can advance to the best of their ability. This requires responsibility from all of us.

That is why we have supported a balanced budget without destroying Social Security and Medicare. We want to make sure that we do what we can to have corporations with a conscience.

We want to make sure that corporations have a conscience, and we feel that must be done legislatively. They have to have environmental responsibility. And certainly, can we not do away with giving tax breaks to companies that move overseas and take jobs with them? The answer is yes. We need personal responsibility. That has to be part of the program, and that is why we have called for welfare reform that requires work. We want to crack down on deadbeat parents, and we want to do what we can to attack teenage pregnancy. It is not enough to say what we stand for. We have a responsibility to tell America what a Democratic Congress would stand for, and that is what the families first agenda does—tells the American public what we stand for.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, I would appreciate it if you would inform me when I have used 10 minutes.

Madam President, I am very proud to be here today speaking on behalf of the Democrats' families first agenda. I thank my colleagues, BYRON DORGAN and HARRY REID, who preceded me today. We think it is important, as Senator REID has said, the American

people know what Democrats stand for. We have been fighting for a lot of things this year. Sometimes we have won those battles. We have turned back the deepest cuts ever offered in Medicare. We have turned back the deepest cuts ever offered in Medicaid. We have turned back some of the most outrageous attacks on our environment.

We have not won every battle at all. If one looks at the budget that passed this Republican Congress, it still calls for huge cuts in Medicare and Medicaid and tax breaks for the wealthiest. So those battles are still out there. But we Democrats believe it is important for us to tell the American people not only that we are going to fight against these misplaced priorities but also that we have a positive agenda that addresses the needs of America's families, wherever they live in this great Nation of ours.

Why was it that we also felt we needed a Democratic agenda? Quite clearly, the voters sent us a message in 1994 when they said, Democrats, you are not going to control Congress anymore. We are going to put the Republicans in control of the Congress.

Frankly, many of us were very stunned by that, but when I looked back on it, I realized that what happened was we did not do a good job of letting the people know what we believed in. We assumed they knew. We assumed they knew we were fighting for families. We assumed they knew we were fighting for children. We assumed they knew we were fighting for the environment. We assumed they knew we were fighting for choice, a woman's right to choose, individual rights, and for a budget that moved toward balance but reflected our shared values.

Well, we were wrong. We were wrong. People did not really know that. Therefore, we decided to put together an agenda that spoke to the American people. We have had many, many meetings, as Senator DORGAN has stated, and I was very glad to be at some of those meetings to put together this agenda that we bring to you.

In this agenda, we make clear our priorities. Yesterday, for example, we tried to make sure that the minimum wage went to all of the workers at the bottom of the ladder. I was very appreciative that three or four Republicans crossed over the line, and we defeated a Republican leadership amendment that actually would have deprived half the people on the minimum wage of the increase they deserve.

So I really do think that it makes a difference who is here, and although we turned back the most egregious of the amendments, we still have a policy where the people who are tipped employees are frozen at $2.13 an hour in this year, 1996, when it is hard to make it. It is hard to make it even on a salary that is far greater than that.

The Democratic agenda stems from three ideas.

One is security. There are various aspects of feeling secure in your life. Certainly paycheck security is a part of it. It is very important. We need to know that we can pay for a roof over our family's heads. We need to know that we can put food on the table; we can pay for health care bills; we can pay for college education, or at least afford to pay back the loans. So that is very important.

We need to know that we are safe in our streets. That is why we Democrats applaud what President Clinton has done to put thousands and thousands of police in our communities. We applaud him for his courage in getting assault weapons out of the hands of gangs. We applaud him for signing the Brady bill, where thousands of people with criminal records have been denied applications for guns. This has made America safer.

We have more to do. We Democrats want to put more cops on the beat. That is part of our security agenda.

We also do not want to see pensions taken away from people.

There was an extraordinary story on the front page of the Wall Street Journal about the employees of a company called Color Tile working day in and day out, putting aside for their pension. Do you know what happened to their pension? The boss put it in the company, and when the company went bankrupt they not only lost their jobs, they also lost their pensions.

That is wrong, and we Democrats are going to fight for pension protection. That is just one example of it. There are many, many more.

We read also in the area of pensions where people with 401(k)'s, again employer-controlled plans, they buy antique cars and decorate their offices with paintings. This should not be allowed. We need more protection for those pensions. People count on those pensions, and, in many cases, women suffer the most when a working spouse dies and they are not treated fairly.

I think we can really move forward on security—paycheck security, pension security, security from crime. These are the things that we are talking about.

We talk about providing kids, all of our kids, with health care. It is a travesty to see a situation where little kids cannot get health care, and then they wind up with serious problems, go to the emergency room, and it costs a fortune for society to pick up the tab when we should have provided, at a minimal cost, basic quality health care for those children.

So we have a lot to do, and I think we can deliver.

Opportunity is the second idea. That is security. This is opportunity. Educational opportunity. I am an example of someone who went to public schools all her life.

The PRESIDING OFFICER. The Senator has used 10 minutes.

Mrs. BOXER. And how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 3 minutes and 50 seconds.

Mrs. BOXER. I thank the Chair.

Educational opportunity. I got a public education all the way from kindergarten through college. I serve in the U.S. Senate and I go toe to toe with some folks here who have gone to the best private colleges. That is America. We give our young people the educational opportunity, regardless of their income. That is what separates us out from so many other countries. It is what makes us great. It is what has built the great middle class. We need to make sure all of our young people have a chance to go to college, and we Democrats say that is what we will do. Everyone will have a chance to go to college under our opportunity agenda, which will provide tax deductions for college and job training. For children with good grades and no drug records we have proposed a $1,500 tax credit for the first 2 years of college in HOPE scholarships. The student has to maintain a B average and be drug free.

Economic opportunity. We are talking about making sure if you have a family business, you do not get taxed to death when it is passed to the next generations. We are talking about a special program called State infrastructure banks, where States can leverage small amounts of taxpayer dollars to build the physical infrastructure to make sure that we have safe highways and transit, to make sure we have a safe water supply.

We must take care of our air and water. Here in Washington, a water alert has just been issued. We ought to make sure around here that those who pollute our water are held responsible. We ought to make sure we invest in systems that work, that will provide that clean water. That is something else that we Democrats stand for.

We also stand for responsibility, not only on the part of the Government, but on the part of individuals. Yes, we call for a balanced budget. I voted for three different ones—every one of them I was proud to vote for, certified by the CBO to balance and did not hurt Medicare. You do not have to hurt Medicare, you do not have to hurt Medicaid, you do not have to cut education, you do not have to cut environmental protection to balance the budget. But the Republican plan, because of huge tax cuts to those who are doing just fine, makes unconscionable cuts in those important programs.

We Democrats stand in opposition to that. We want to bring everybody along. We do not want to give special deals to the people who earn over $250,000 a year. They are doing just great. They are doing just fine. We need to make sure that average Americans can make it. We need to make sure they have that opportunity and that sense of security to make it.

So, I think, all in all, we have an excellent Families First agenda. I, for one, am very proud of it.

The PRESIDING OFFICER. All the Senator's time has expired.

Mrs. BOXER. So I think it is time to pass this Democratic agenda. I hope we will get that chance.

I yield the floor.

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

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

Mr. THOMAS. Madam President, I think we had some time allotted. I would like to take that time now, as much as I use.

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

MEASURE PERFORMANCE RATHER THAN RHETORIC

Mr. THOMAS. Madam President, we wanted to visit just a little bit about the program that has been set up by our friends on the other side of the aisle. I am delighted that there has been some kind of effort to put together an agenda. I think it goes to indicate a little bit about the differences that we have, in terms of solving problems for this country; differences that we have in terms of how we see the role of the Federal Government in our lives and, really, an issue about this whole matter of the end of big Government.

It is interesting. The Prime Minister this morning quoted the President and so on, saying ''The era of big Government is over,'' yet our friends on the other side bring out an agenda that describes all the things that the Government is going to do. I have to tell you, I am a little impressed with the notion that it is a matter of some spinning for political purposes, rather than talking about what we really want to do.

The Democrats come out with an agenda to do something at the same time they are keeping from happening all the things practically that we decided to do this year. It seems to me it is a transparent kind of an idea of talking about it but not doing. Walking the walk? No. Talking the talk? Of course. And that is where we are.

So I really think we ought to challenge our friends over there to really take a look at what is happening here, and if they are talking, really wanting to do what they are saying, let us do it. Let us talk about health care. My friends on that side have not even allowed us to appoint conferees, to do something with the health care program that is there and ready to be passed.

Our friends talk about balancing the budget. The Democrats were in charge of this place and the House for 25 years and never balanced the budget. Now the agenda is: Balance the budget.

Madam President, when you and I were in the House, we had a budget called ''Putting Families First.'' That budget included a $500 per child tax credit, it included anticrime initiatives, it included welfare reform, it included market-based health care reform, indexed capital gains. Our friends opposed it. They said, ''We can't do that.''

That budget would have been putting families first, giving an opportunity for families to do the things for themselves that we think they ought to do—putting families first. I guess all I can say is I am really getting exasperated with this process of ours where the idea is to see how much you can spin and how much you can talk and how much you can say but not do anything about causing it to happen.

It is almost cynical that we have now the most technical, greatest opportunities to communicate so people can have input into their own Government and, at the same time, it is more and more difficult to really understand what people are for. And as this election comes up, that is what we ought to be deciding: What direction do we want this country to take, not what people are going to say but, in fact, what they have done.

The records do not match this kind of rhetoric. President Clinton opposed the balanced budget amendment. Those folks all voted against a balanced budget amendment, practically all. The President vetoed the first balanced budget in a generation. That is the walk, that is not the talk. We have had that this year.

Most of us came to the Senate and said voters told us very clearly, ''We have too much Federal Government, it costs too much and we're overregulated,'' and we have tried to change that.

Frankly, the Democrats have done all they can do this whole year to keep things from happening. We had an opportunity and we still have an opportunity: the first balanced budget in a generation to reduce the size of Government, telecommunications reform happened this year, line-item veto happened this year. It never happened before. Congressional accountability, product liability. We have done those things, and we were able to achieve some of these goals, understanding that Washington is part of the problem, not, indeed, part of the solution.

So, Madam President, I have been very impatient with this idea of getting up and making all these great speeches about things we are for, and then when we have an opportunity to do it, we have an opportunity to put it into place, then all we find is opposition, all we find is, ''Well, I'm for a balanced budget, but I can't be for this one.''

''I'm for welfare reform, but I can't be for this one.''

''I'm for sending Medicaid back to the States some more, but I can't be for this one.''

That is what we have heard the entire year, and continue to hear that.

Now they come forth with the families first agenda, promoting most of the things they have opposed throughout the year.

Madam President, I just find it frustrating, as you can probably tell. It is time that we begin to measure performance rather than measure rhetoric. We have an opportunity to do the things that we set out to do this year. We still have an opportunity to do it. We have an opportunity to have medical reform, we have an opportunity to have some welfare reform, we have an opportunity to balance the budget, we have an opportunity to reduce the size of Government, we have the opportunity to have some tax relief.

Which of those things have been supported on the other side of the aisle? None. But then they have an agenda, an agenda because that is what the polls say, and that is what it sounds good to say to people. It does not matter that it is not going to happen. It does not matter that they are not walking the walk, it is just talk the talk.

I suppose this is fairly harsh stuff, but I can tell you, I have watched this go on now for some time, and it continues. Of course, as we get toward an election year, it becomes more and more heightened in terms of the rhetoric that is there.

So I hope that as we make some of the changes that need to be made in this Government, a government of the people and people deciding, making decisions—that is what elections are about, talking about what direction this country will take, and we have an opportunity to really measure performance, not rhetoric, and that is what we have an opportunity to do.

Madam President, let me yield to my associate from Minnesota.

Mr. GRAMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

WORKING FAMILIES DESERVE SOLUTIONS, NOT SLOGANS

Mr. GRAMS. Madam President, we have heard a lot of talk from Washington recently about the hardships that are facing working Americans. Tax rates are up, job opportunities are down, interest rates are rising while paychecks are shrinking and take-home pay is not going anywhere at all. But the families trapped on this economic seesaw are feeling anxious and unsure about the future, and they are looking to the Federal Government for some change.

Most everyone agrees that a fundamental responsibility of Congress and the President is to try to help ensure greater opportunities for working Americans, so men and women can seek better jobs that will lift their standard of living, and the real debate going on in Washington today centers around just how that should be accomplished.

The Democrats in Congress are saying the answer is to simply raise the minimum wage. But that is a political

smokescreen that flies in the face of reality, an attempt to mask a 40-year record of voting for policies that have actually lowered family incomes.

The truth is that most minimum wage positions are either part-time jobs that are held by students, entry-level jobs for young people who are just trying to get into the work force, or second jobs held by men or women whose spouse is the primary breadwinner.

Raising the cost of doing business by raising the minimum wage is probably going to mean even fewer of those jobs. Some statistics say as many as 600,000 of those jobs will be lost, killing work opportunities for young people and those families who depend on that second income.

Besides artificially inflating salaries by hiking the minimum wage, it ignores the real concerns of many working Americans, working Minnesotans. Yes, they want better jobs that pay better salaries, but they have told me repeatedly that what matters most is not how much you earn but how much of your own paycheck you are allowed to keep after the Federal Government has deducted its taxes.

We have debated the issue and put the issue of minimum wage to rest by passing that legislation yesterday. Yet, the issue of tax relief for families has been virtually ignored in the Democrats' ideas recently in their recently released blueprint for their 1996 campaign season that they have entitled ''Families First.''

They are billing their plan as a roadmap for the future of their party. Congressional Democrats have not created an agenda for change but have instead produced a byproduct of some ambitious political polling. They say that they are in favor of education, in support of welfare recipients working, and helping families and helping children. In other words, if a majority of Americans told the pollsters they liked it, then according to the Democrats, they like it, too. ''Some people say it is a tiny agenda, it is too modest or too bland * * * and my answer is that whatever it is, it is what people told us is their concern now.'' And these are the words of House Minority Leader RICHARD GEPHARDT, in what really was a surprisingly forthright nod to the power of election-year polls.

Let me say again what RICHARD GEPHARDT said. He said, ''Some people say it's a tiny agenda, it's too modest or too bland * * *'' Mr. GEPHARDT went on to say, ''and my answer is that whatever it is, it's what people told us is their concern now.''

Again, the results of their polling.

This tiny agenda, however, comes with a massive price tag. Paying for the families-first promises could cost American taxpayers an additional $500 billion over the next 6 years. While the document is so intentionally vague that computing a precise cost estimate is next to impossible, it is clear that the cost would be enormous, especially if you add that new cost onto the $265 billion tax hike imposed by President Clinton and the Democrat-controlled Congress in 1993.

If the families first title sounds familiar, well, it ought to because back in 1994, Republicans in the U.S. House championed a proposal we called ''Putting Families First,'' which I introduced along with Congressman TIM HUTCHINSON of Arkansas.

We introduced the families-first bill in 1993; and in 1994 it became the Republican alternative; and in 1995 we worked it into our first balanced budget that we sent to the President last year. So the families first title is not new.

Unlike the Democrats' families first, however, it was not a political statement, it was not a statement that we conjured up to coax voters in an election year. Our plan, our families-first version, was a well-reasoned alternative budget proposal that was specifically crafted to create new opportunities for working Americans, to give them those job opportunities and the better pay that they are talking about.

The heart of our plan was a $500 per-child tax credit that would benefit 529,000 Minnesota families. Nearly $50 million a year in tax savings would go just to the residents in my State of Minnesota. That is far more than the 12,000 heads of households in Minnesota who would be eligible for the boost in the minimum wage, according to data compiled by the Joint Economic Committee.

So what would have done more good? It would have been better to pass some of the tax relief that we have advocated and called for rather than a smokescreen of just a small portion in the minimum wage. Putting families first sought to further strengthen families by reforming the broken welfare system, combating crime through new get-tough initiatives, by offering sensible health care reform while reducing the deficit by $150 billion. Republicans in both the House and the Senate embraced it as our alternative to the big taxing, big spending budgets of the past.

As a potent prescription for dramatic change, putting families first offered a strong defense of the American family. The Democrats' version of families first is a placebo, a lackluster concoction that will masquerade as some new medicine, but in reality it offers no cures.

Republicans followed through on putting families first by passing budgets in 1995 and 1996, balanced budgets, that built on that strong foundation. We have pledged to continue to fight for the $500 per-child tax credit, for additional tax relief to make it easier for businesses to be able to create those better paying jobs, and a balanced budget that will reduce interest rates and the amount that a family has to pay on their mortgage, on their car loans and student loans.

Minnesota families deserve solutions, not a lot of empty slogans. If the Democrats are serious, if they are serious about trying to ease the tremendous burden faced by American workers, then they will drop the campaign theatrics and they will help join the Republicans in truly putting families first by turning our promises into law. I think they deserve nothing less than that.

I thank you, Madam President, and I yield the floor. If there are no other speakers, 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. DASCHLE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. DASCHLE. Madam President, as I understand, morning business has expired.

The PRESIDING OFFICER. That is correct.

Mr. DASCHLE. I will use my leader time and only take so much time as may be required prior to the time we are prepared to go to the DOD bill, which I understand is imminent.

THE ACTION AGENDA

Mr. DASCHLE. Madam President, I wanted to call attention to the fact that yesterday, as we passed the important piece of legislation dealing with minimum wage, one of the issues that I do not think got the kind of attention that I had hoped it would receive, and really deserves, has to do with pensions and has to do with the significant new contribution we made to pension reform in the package of amendments that we added to the minimum wage bill.

That legislation dealing with pensions has several categories, one of which is an issue which a number of our colleagues have expressed a great deal of concern about and are prepared to support in a series of amendments dealing with women's pension equity. There is a significant disparity among working people, between men and women, with regard to pension equity.

Senator BOXER and Senator MOSELEY-BRAUN, in particular, added amendments to this package which would begin to address that disparity, which would begin to close the gap, the chasm, really, between men and women when it comes to pensions. I want to publicly commend them for their leadership and their willingness to work with all of us to find a way with which to begin making the effort to close that gap and to provide the kind of equity that I know all of our colleagues would like to achieve. Senator BOXER's provision will make it more likely that surviving spouses—typically women—will be able to avoid significant cutbacks in the level of retirement income provided while their spouses were alive. Senator MOSELEY-BRAUN's provisions

will remove roadblocks that can prevent surviving spouses and former spouses from getting the benefits they are entitled to from both private sector pension plans and Federal retirement programs.

Beyond women's equity, we also dealt with the issue of pension portability. We have a very significant problem in this country that exists every time someone wants to leave their job to go to another job. Pension portability is almost as serious a problem as health care portability. We need to find ways with which our workers can take pensions with them and keep increasing retirement savings without obstacles or cutbacks as they move from one job to the next. This bill will expand the PBGC's missing participant program to help ensure that retirees who have lost touch with their former employer never find their benefits unexpectedly forfeited when the pension plan terminates. It will also make it easier for new employees to enter their employers' 401k plan immediately, rather than waiting to benefit.

Finally, there are a number of issues relating directly to pension security that have to be addressed. Security for pensions is something that increases in urgency for workers as they get closer to that date when they will retire. There is a pervasive sense of insecurity about pensions in retirement today. Working people, men and women, are very concerned about whether or not they will have the capacity to deal with the problems that they know they will confront with regard to their own income viability, their own ability to ensure some confidence that they will have the necessary means to live in some security and comfort during retirement. The way that we are going to be able to address that effectively is to put the kind of priority and attention on pension security that it deserves. We took an important step yesterday by increasing the guaranteed benefit provided to retirees from multiemployer pension plans that become insolvent.

Several months ago, we laid out our desire to see an action agenda addressed. That action agenda has four components. The first was personal security and the need to ensure that people are safe in their neighborhoods. The second was paycheck security and the real desire that working people have to earn more income. The third was health security. And the fourth is pension security.

Madam President, we are now at a point where we have been able to address all four of those security questions. We have been able to protect the cops on the beat program. We have made a downpayment in providing better personal security out on the street than we had before. Yesterday, we passed the minimum wage bill.

We are working on both sides of the aisle, hopefully, to resolve our differences in the Kennedy-Kassebaum legislation. I hope we can, at some point, put that bill back before the Senate in an effort to resolve what remaining differences there are, in an effort to move it forward and to have a Presidential signature and, at long last, declare our victory with regard to the Kennedy-Kassebaum bill.

Health insurance portability is something we all ought to support, and, in fact, have supported. The Kennedy-Kassebaum bill passed by a vote of 100 to 0. There is no reason whatever that we cannot finish that legislation this month. I hope we can continue to keep our eye on the ball. Our eye on the ball in this case is clearly portability for health insurance.

All the other issues, as important as they may be, can be resolved, as well. But the important issue, the one matter that unites us all, is the need to have that portability. We ought to use this legislation to get that job done.

Now, finally, pension portability and pension security—it is critical we get that legislation passed. I am hopeful with the action taken yesterday that will happen.

This is part of a larger agenda the Democrats have laid out, having three components—security, which I have addressed, opportunity, and responsibility. We will have a lot more to say about those three components in the weeks and months ahead. I know that we are now prepared to go to the pending matter. For that, I yield the floor.

(Mr. DEWINE assumed the chair.)

ORDER OF PROCEDURE

Mr. LOTT. Mr. President, we have now completed the process that was laboriously worked out to take up and consider the small business tax relief package, the House-passed package that included minimum wage and some tax considerations. Then we added to it the Finance Committee's work and the managers' bill. We completed that whole process yesterday, and we have now taken up and considered amendments to the TEAM Act. We have passed the TEAM Act.

In connection with all of that, earlier, we had caught up in that maze the taxpayers bill of rights II. I tried yesterday to clear that for unanimous consent because I believe there is overwhelming support for the taxpayers bill of rights bill. I know one of the principal architects of that legislation is Senator PRYOR from Arkansas. But there was objection heard to it because I understood maybe there were amendments that were being considered to be offered to that bill. I understand now that maybe that is not true. I know that Senator PRYOR, Senator FORD, and I think maybe Senator GRASSLEY, and others, are working to see if we can get agreement on that. That is something that we clearly should do to give the American people some further rights with regard to how they are dealt with by the Internal Revenue Service. That is something we should do, and it is long overdue. But there was objection.

Now, today, also caught up in the small business tax relief, minimum wage, TEAM Act, and gas tax act was another matter commonly referred to as the White House Travel Office. So I wish to seek unanimous consent that we could get that legislation taken up and acted on because, once again, it is clearly something that involves equity for the people involved. I thought that once we got all these other issues dealt with, this would be something we could move.

So I am going to continue to try to move bills that are pending before the Senate. Some have been pending for a long time. It is my intent to try to clear for a unanimous consent agreement the bill dealing with the Gaming Commission, which is not something I am particularly excited about, but there is a lot of interest in it, again, on this side from Senator LUGAR and Senator COATS of Indiana. I know that Senator SIMON is interested in that. My intent is to try to get it up and have it considered and deal with it, vote it up or down, but stop holding things up.

I am trying to develop a pattern here of moving legislation, certainly legislation that is not controversial, such as the taxpayers bill of rights, the White House Travel Office, and the Gaming Commission—although that could get to be controversial. If I find out that there will be a lot of amendments beyond what were agreed to in the committee, after consultation with the Democratic leader, we might decide not to bring that up if we are going to have protracted debate on that. We have work we need to do, such as the Department of Defense appropriations bill. The two managers are here and are ready to go. We need to get on with that. If we are going to have objections, then I guess we will not be able to proceed.

UNANIMOUS-CONSENT REQUEST—H.R. 2937

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 380, H.R. 2937, relating to the White House Travel Office. This provides for the reimbursement of attorney's fees and costs incurred by former employees of the White House Travel Office with respect to the termination of their employment in that office on May 19, 1993; further, that a substitute amendment, which is at the desk, offered by Senator HATCH, be offered and agreed to, the bill be deemed read the third time and passed, as amended, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. Reserving the right to object, Mr. President. We have not seen this amendment, to my knowledge. I do not know that anyone has shared it with us. I have not seen it. But I say that, beyond the issue of the Hatch amendment, there are Members

on this side who believe that it is important that we have a good debate about this bill and about this issue. They have amendments that they may be interested in offering. They want the opportunity to offer those amendments, or to at least have the right to offer them at some point.

So we would not be in a position to agree today to pass this piece of legislation. We would need to look at the Hatch amendment. We need the opportunity, at least, to offer amendments. I think it is important that that be done.

So, on that basis, we object.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. Mr. President, I would like to yield to the distinguished Senator from Utah, the manager of this legislation, and just note that this was brought up and debated for a period of time. I was under the impression that the Hatch amendment was available. I have a copy. I know the other side does have it now. I would like to hear from Senator HATCH on this matter. If, after review, perhaps they find that they could then agree, then we would be prepared to ask for unanimous consent later today to get this matter taken up and considered.

I yield to the Senator from Utah.

Mr. HATCH. Mr. President, the minority has had this amendment for a long time. Frankly, all it does is it takes the House bill, which would reimburse Billy Dale for his attorney's fees incurred in the criminal matter. Our amendment makes it clear that we are only reimbursing him for those attorney's fees, not for any congressional appearances; nor are we reimbursing anybody else for any congressional appearances. It clarifies and, I think, refines the bill so that it can be sent back to the House. I believe they will take that in an instant because there is a terrific injustice here. It is time to solve it. It got embroiled within the minimum wage debate. This is one of the reasons why many of us on our side agreed to go ahead with the minimum wage, which I believe the distinguished Senator from South Dakota and others on that side believe was a victory for them yesterday. I thought that once the minimum wage problem was solved, there would be absolutely nobody in this Chamber who would not want to resolve what is really a tremendous injustice to a person who has been treated very badly. I do not believe there is anybody here who would really object to this bill.

Let me just say this. In the wake of this FBI matter, Mr. Dale and his colleagues have found themselves in the news once again. After trying to put the circumstances of their firings behind them, it was discovered that Mr. Dale's FBI file was requested by the White House Security Office after—let me repeat, after—he was fired—7 months after—and right before he was indicted. It appears that the Travel Office seven were not only fired unjustifiably, but in some cases their personal and private FBI background investigation files, or file summaries, were inappropriately requested and possibly reviewed.

I find it outrageous—as I think most others do on both sides of the aisle—that the Clinton White House would have fired these public servants in such an insensitive and unfair manner and then improperly access private information on some of them—especially Mr. Dale. That is how this whole Filegate thing has arisen. When they found that long after they fired this man, and had done so inappropriately, and then intended to indict and prosecute him unjustly, they got these special secret files from the FBI on Billy Dale.

Now, this just simply demonstrates the arrogance of power of some in the White House with regard to this matter. To hold this up any further, even for amendments, it seems to me is something that really anybody has to think about, because previous attempts to pass this measure were stalled by our colleagues on the other side of the aisle, even though many of them told me they support the measure, including the distinguished Senator from Arkansas, Senator PRYOR, who was the one who spoke up when we first brought this bill to the floor.

First, Members on that side wanted to offer the GATT amendment. That was Senator PRYOR. Then there was the minimum wage amendment. I thought once we solved the minimum wage issue, we would surely be able to bring this up and get it done. Now the Senate has dealt with both the GATT program and the minimum wage. And now I understand, if I heard correctly my colleague from South Dakota, that some of his colleagues have a desire to bring up additional unspecified amendments. Indeed, I have to say it was requested at the staff level that the Senate delay consideration of this legislation until Mr. Dale responds to some questions submitted to him at the Filegate hearing.

Give me a break. It is beginning to look like some of my colleagues on the other side of the aisle want to kill this bill more than anything else. I do not know of anybody who is willing to stand up and say that. But that is what it looks like.

If there are legitimate germane amendments to the Billy Dale bill, I encourage my colleagues to produce them. Let us review them.

My hope would be to work something out and pass this bill today. And I am willing to work with my colleagues and accommodate it. This is a bill with the support of both Republicans and Democrats alike in the House.

Frankly, I fail to see any reason for holding up a measure that would simply remedy the injustice resulting from the Travel Office firings. Throughout the lengthy debate on this bill, we must not forget that the bill is about Billy Dale and the other Travel Office employees. It is a bill that would reimburse their legal expenses for defending themselves against an unjust criminal investigation and prosecution.

Let me again explain unbelievable circumstances for their terminations.

After years of faithful service to the Government, Mr. Dale and other Travel Office employees were fired on May 19, 1993. In an attempt to justify the firings of these loyal public servants who worked for both Democrats and Republicans in the White House, the current White House met with and urged the FBI to investigate the Travel Office. The allegations brought against the Travel Office employees were conducted by those who had a vested interest in running the office themselves. If being fired was not tragic enough, the Department of Justice launched a Federal criminal investigation against the Travel Office employees.

As I have said, Mr. Dale was subsequently indicted, and despite the weakness of the case against him and after only 2 hours of jury deliberations he was acquitted. Because of this questionable use of the Federal criminal justice system, Mr. Dale was forced to spend $500,000 in legal fees. The other Travel Office employees collectively spent $200,000 in legal fees for their defense. And aside from the crushing financial burdens on these people, these individuals were also burdened and continue to be burdened with defending their reputations.

The targeting of these dedicated public servants because they held positions coveted by political profiteers, I think, demands an appropriate response by this institution. And, although we can do absolutely nothing to restore their reputations, their dignity, and their faith in the White House, it is only just that the Congress do what it can do to rectify this wrong.

By providing attorneys' fees we can at least financially make these Government employees whole—these innocent Government employees whole.

That is why we are here. That is why we would like to do it. This bill will be a mere statement by Congress that there was clearly an arrogant abuse of power by White House officials against seven innocent employees in favor of some close to the President who stood to gain financially.

It is one thing for the President to exercise his prerogative and dismiss them, it is another to do so and then concoct an investigation to justify dismissing them.

And we should all be embarrassed by the way our Government treated these seven Travel Office employees, and we should make up for it by passing this measure today.

One last thing: The President himself indicated that he would sign this bill. He knows that it was an injustice. I give him credit for that. And, frankly, it was his White House that caused these tragedies. And he is willing to sign the bill.

There are other bills that the amendments can be added to that are nongermane. If there is something that is germane to this bill, bring it up. We will bring it up now. We will solve those problems. But we will right this tremendous injustice and wrong. And this is the time to do it.

I am hoping that my colleague, the distinguished minority leader of the Senate, will recognize this. I hope that he can get the folks on his side to cooperate and get this measure passed once and for all and then let us go to battle on these other future issues at a later time.

On this one I do not think there is that much opposition among anybody on the Senate floor. At least I have never heard one ounce of opposition to this bill to right these wrongs.

Mr. LOTT. I yield the floor.

Mr. DASCHLE. Mr. President, the distinguished Senator from Utah raises a couple of points that I wish to take just a moment to respond to. I know there are others on the floor who want to go to the DOD bill.

The Senator from Utah indicated that there are those who are asking questions from Dale in particular with regard to his legal fees, and that we were using that as the reason for holding this bill up. We are not using that as the reason. We have not said that until we get that information we are going to prevent the bill from coming to the floor. That is not our desire necessarily. But there are reports that Mr. Dale had a fee arrangement with his attorneys, and that fee arrangement was just a fraction of what this bill would provide with regard to reimbursement for legal fees. If that is the case, then to provide a fee or a reimbursement many times what the fee may have been for Mr. Dale it seems to us to be inappropriate.

The second issue is how unprecedented the nature of this legislation really is. It is virtually unprecedented. I will not ask the distinguished Senator from Utah today if he can give me a list of all of those occasions when we have done this in the past. But I think he would be hard pressed to do that.

Mr. HATCH. Will my colleague yield on that point?

Mr. DASCHLE. Yes.

Mr. HATCH. I think it is unprecedented. Talk about unprecedented. It is unprecedented for the White House to order the investigation, which is what happened here.

Mr. DASCHLE. Mr. President, I take back the floor. Let me just say that is not the case. And the Senator from Utah certainly knows is not the case. That is not what happened, and I hope we could make sure that the RECORD at least would be accurate as we address the circumstances involving this matter.

But the issue is are we willing to establish a new precedent here; that every time somebody is investigated, every time somebody is found to be innocent of some charges, the Government then automatically reimburses that person for whatever legal fees they have incurred. If we are prepared to do that, I think this side would have a very significant list of people that we may want to address. Shall we do that for Congress as well? Where does it stop?

I think all of this needs to be considered much more carefully than we have done thus far.

We have amendments we want to talk about. We think a good debate may be in order before we set this precedent. Before we are asked to put our names on the line and vote affirmatively or negatively on this issue, ultimately I think a much better understanding of the facts and a far better understanding of the complications regarding the unprecedented nature of this legislation ought to be considered.

So for those reasons, we are not prepared to go to the bill today.

I yield the floor.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. The minority leader is my friend. He knows that. I care for him. He is a very fine person. I have to tell you that I do not think anybody can come to the floor and say the White House in this instance did not do an injustice here; that they did not try to use the force of Government, the FBI, the Justice Department, and others to take apart a very, very good person, and others working with him who have worked for both Republican and Democrat administrations and to do it to take care of their own people.

I have to correct the record with regard to that. I do not think anybody doubts that. It is pretty much admitted. Even the President said he would sign this bill. That was not easy for him because he was in essence saying that he recognized that this is terrifically wrong and that his people in the White House did it.

This is what happened, on May 19, 1993 the White House fired all seven of these people. At least two of the individuals learned of their dismissal in the evening news that night. That is how they learned about it.

The White House first stated that the firings came as a result of an internal audit revealing financial irregularities in the office. Several months of independent review and oversight hearings uncovered the actual motivation for the firings. Certain people in the White House and outside of the White House—friends of this President hoping to advance their own financial interests—attempted to destroy the reputations of the Travel Office employees and take over the Travel Office business.

This issue is not going away nor am I going to let it go away. It ought to be resolved. I am willing to say that the President has done what is right here in saying he will sign this bill. These same persons who did this to these seven Travel Office people used the White House staff members to initiate a baseless criminal investigation by the FBI. That is outrageous.

If somebody in a Republican White House had done that, the fuss and furor would never end.

We have tried just to resolve this problem in a dignified, reasonable way, and do it by paying their attorneys' fees that they incurred just for this unjust criminal investigation and trial.

According to the congressional investigation, certain individuals in the White House and outside of the White House were responsible for these firings. Catherine Cornelius, a cousin of the President, employed at the White House, Harry Thomason, a personal friend of the President and First Lady, Darnell Martens, Mr. Thomason's business partner, and David Watkins, again—how often does he surface—assistant to the President for management and administration, these are the people who shoved it to these time-honored employees.

In December 1992, discussions took place between Miss Cornelius and World Wide Travel—a very appropriate name—the agency that served the Clinton-Gore campaign, about the eventual takeover of the White House Travel Office business.

In January 1993, Watkins hired Miss Cornelius—keep in mind, that is the cousin of the President—and soon thereafter, after he hired Miss Cornelius, the Travel Office began taking calls for Miss Cornelius as the new head of the Travel Office.

In February 1993, Miss Cornelius provided Watkins with a proposal that would make her, the President's cousin, codirector of the White House Travel Office and would hire World Wide Travel, the Clinton-Gore campaign travel group, as the outside travel specialists.

In April and May of 1993, Cornelius began to focus on the Travel Office and, with Harry Thomason, claimed that there were allegations of corruption within the office. During this time, Miss Cornelius and Mr. Thomason pushed that World Wide Travel take over the Travel Office business of the White House and other offices in Government.

In mid-May 1993, employees of the White House counsel's office, Miss Cornelius and others, met with the FBI regarding the Travel Office. Although the FBI was unsure that there was any evidence, or certainly enough evidence in existence to warrant a criminal investigation, William Kennedy, whose name constantly surfaces, former law partner of the First Lady's at the Rose Law Firm, who was then at the White House counsel's office, informed FBI bureau agents that a request for an FBI evaluation came from the highest levels of the White House.

At this time, they determined that Peat Marwick and Mitchell, the accounting firm, would be asked to perform an audit of the Travel Office.

On May 14, Peat Marwick's management consultants made their first trip to the White House.

On May 17, Mr. Watkins and Mr. McLarty decided to fire the Travel Office staff. Although Mr. Dale offered to retire, Mr. Watkins told him to wait until the review was complete.

On May 19, Patsy Thomasson informed Mr. Kennedy that a decision had been made to fire the Travel Office workers and employees. Kennedy informed the FBI, who warned him that the firings could interfere with their criminal investigation, Kennedy informed the bureau that the firings would go ahead anyway.

That same day, before the bodies were even cold, Mr. Martens called a friend from Air Advantage to have her arrange the Presidential press charters. Meanwhile, Mr. Kennedy then instructed Mr. Watkins to delete any reference to the FBI investigation from talking points on the firings. At 10 a.m. that morning, that very same morning, Watkins informed the Travel Office employees that they were fired because a review revealed gross mismanagement in the office. They were initially told that after all these years of service to this country, service to the White House, both Democrat and Republican administrations, that they had 2 hours to pack up their desks and leave.

Watkins learned that Press Secretary Dee Dee Myers had publicly disclosed existence of the FBI investigation as well as the Peat Marwick review. Later that same day, Myers gave another press briefing in which she denied that an FBI investigation had taken place. She had been warned. She knew that what they had done was wrong. She claimed that the firings were based on the Peat Marwick review.

Interestingly, the Peat Marwick review was not finalized until May 21, 1993, 2 days after the firings. The report was dated on the 17th, however. So you can see what we are dealing with here. The report gave no assurances as to either its completeness or its accuracy. In any event, while the report found certain accounting irregularities, it found no—none—evidence of fraud.

In May 1994, the General Accounting Office reported to Congress that while the White House claimed the terminations were based on ''findings of serious financial management weaknesses, we noted that the individuals who had personal and business interests in the Travel Office created the momentum that ultimately led to the examination of the Travel Office operations.''

The General Accounting Office further noted that ''the public acknowledgement of the criminal investigation had the effect of tarnishing the employees' ''—that is s apostrophe— ''reputations and the existence of the criminal investigation caused the employees to retain legal counsel, reportedly at considerable expense.''

Of course, as everybody in this body knows, Mr. Dale was the only Travel Office employee to be indicted, and it took a jury only 2 hours to acquit Mr. Dale after a lengthy 13-day trial.

Mr. President, I sat on the Whitewater Committee. I have to say I was absolutely amazed at the improprieties and the wrongdoing and the other things that were really brought out. It was just a layer all across that event. Even so, it was very difficult to understand because there was just one thing after another, and I think people in this country are very mixed up about the Whitewater matter. They feel something is wrong, but it is so convoluted and complex, so filled with what some people call ''the sleaze factor'' that it is very difficult to point to any particular huge bubble in that sleaze. But one thing everybody in this country does understand and one thing that is not going to go away, certainly not until these people are reimbursed for their legal fees, will be the Billy Dale and the White House Travel Office matter.

In all honesty, I do not think anybody knows that there was a tremendous arrogance of power in the White House that really brought about this improper action and these unjustified actions, what really were offensive actions in misusing the FBI and other forces of law enforcement to indict and prosecute a really fine man that everybody today feels somewhat guilty about.

Let me tell you something. This is an appropriate case and one of the few that I can cite in the history of the country where the right thing to do is to reimburse these people for these reasonable costs. In all honesty, they have had even more legal fees because they have had to appear up here on Capitol Hill. My amendment however, would just correct the matter and make it very clear that the only reimbursement for attorneys fees that they can get through this legislation, the only reimbursement will be for what happened in that limited period of time when they were criminally prosecuted and unjustly persecuted, and I am using that word selectively, unjustly persecuted because of White House actions.

I do not care whether it is a Republican White House or a Democrat White House; we ought to all be concerned about doing what is right for these people. In this case, it was a Democrat White House.

This issue is not going to go away. We are still searching to get to the bottom of it. That is how the whole Filegate thing has come to pass. That is how we now find two political operatives, people who throughout their political careers have done opposition research, have spent their time trying to even sling mud at their own Democrat Presidential candidates—who were entrusted with the most sensitive, secret, FBI files pertaining to people who had patriotically served the White House for years and years, young people who no longer are going to go back, or certainly nobody expected them to go back but who believe to this day now that somebody, somewhere, especially since the reports of Mr. Marceca taking computer disks home with Filegate information on people, they are concerned that someday, sometime in the future when they want to serve the Government again some of these secret things that were in those files will be brought forth to smear them and their lives.

I happen to know a lot about FBI files because, as chairman of the Judiciary Committee, somebody who has been on that committee for 20 years, we review these judgeship files all the time. Some of the best judges on the bench today during their younger years did things that were not quite right. Some of them abused drugs. Some of them had problems with alcohol. Some of them did things that, really, you would find reprehensible today and would stop them from holding these positions. But they, in the intervening years, straightened out their lives, repented, did the things that were right, and we confirmed them because it is what they are today that counts.

But if somebody got hold of these files, which contain written down—a bit like Mr. Aldrich's book—everything that is said, whether it is true or not, by people who have axes to grind, by people who are dishonest, by people who hate the nominee, by people who just plain are misinformed, if some of those matters came out, they could destroy the lives of some of these eminent people today who are doing terrific jobs, deserve our acclaim, deserve our support, and who, literally, are among the greatest people in our society today.

All of us are sinners in the sense that all of us fall short of the glory of God. These files show that in many ways.

Frankly, nobody to this day knows just what was taken out of those sensitive files. What we do know is that two people who had absolutely no qualifications, no credentials whatsoever, no training whatsoever, who were known to do opposition research—which is what politicians do, sometimes, to find out all they can about the other side; generally, it is called dirt digging—these people who were known to do this were placed in charge of that office, and one of them ordered up all these files that now are approaching almost 900 files. People thought it was only 307 at first, but now it is up to 900 files, and it may be more than that. We have no absolute way of knowing.

We do not know what was taken out of those files, but we do know there were pink slips put in some of the files that indicate the guts had been taken out and been used somewhere in the White House, and then the testimony was they put the guts back in and pulled the pink slip out. So we do not know how many of those files were copied. We do not know how many of them were on Mr. Marceca's computer disk that he took home from the office, this low-level employee. We do not know any of that.

What we do know is this. Senator DECONCINI, at a very appropriate time here, was chairman of the Senate Intelligence Committee. His top staffer in charge of security on that committee, and thus one of the top experts in the whole country on how you keep these files secure, conducted an investigation of the White House Security Office and found its operations seriously inadequate. Senator DECONCINI wrote to the White House, telling them they better fix up this problem of security at the White House over FBI files and recommended they get somebody other than Mr. Livingstone and Mr. Marceca to take care of these matters and to get some people there who are trained in that area.

As I understand it, Lloyd Cutler—for whom I have a lot of respect, who is certainly a brilliant White House counsel—agreed with the letter 2 years before all this surfaced, and still nothing was done.

Now, we do not know who in the world hired Mr. Livingstone and Mr. Marceca, other than Mr. Stephanopoulos said, ''Well, it was Vincent Foster.'' Vincent Foster is no longer with us, tragically; tragically, now deceased. It is easy to blame somebody who is deceased, who cannot speak for himself. But we know there are others there who had something to do with hiring these two yo-yos and putting them in charge of these sensitive files.

That is what is involved here. The only way all of that came out was because when the excellent chairman of the House Government Reform and Oversight Committee, Congressman CLINGER, demanded papers that the White House refused to give, throwing up executive privilege. They refused to give those papers. Finally he forced them into giving 1,000 of 3,000 pages that clearly were not covered by executive privilege. The White House tried to hold back on him. And, lo and behold, looming up out of all of those names was the name of Billy Dale, that for which they were looking, to see how badly treated this man and his associates were.

Frankly, that is how this has all arisen. But it is not only Billy Dale, but all kinds of other former White House heavyweight Republicans, as well as many others who were not.

People all over the country are now asking, when is this all going to end? When is the Federal Government going to quit being the all-seeing eye into the backgrounds and personal matters of its citizens? How can we protect ourselves from a ''1984''-type government that noses into everything that we do or have done? All of that came out of the Billy Dale matter.

To my colleagues on the other side, I am going to give them just a little bit of advice. I am not used to giving them advice, but I will. This is one you would not want to play around with. This is one that, it seems to me, would be well to pass. Do what is right and get rid of it. I think the White House, my friends on the other side and everybody else will be much better off if we do.

If this is not resolved and resolved quite soon, I have to admit, this is never going to end, because it is a mess. It is wrong. I, for one, am very, very upset about it. I hope my friends on the other side will see the clarity of getting rid of this matter and going on to the business of the U.S. Senate.

I hope we will not have any more desires to have nongermane amendments after we have gone through this fiasco of the minimum wage, which was ostensibly the reason for holding up the Billy Dale matter. If they have germane amendments, let us face them. Bring them out here, we will debate them, we will vote on them, and whoever wins, wins; whoever loses, loses. And we will pass this bill and do what is right, and, hopefully, when the President signs it, it will put it to bed. That is what I would like to do.

I know I have taken a little longer than I care to take on this, but this is something I feel very deeply about. I have gotten acquainted with Billy Dale through the hearing process and so forth. He is a very fine man. He did not deserve what happened to him. We should do what is right in rectifying this wrong that started in the White House, which misused the criminal process to abuse and persecute and, ultimately, prosecute this man at a huge cost, probably the cost of losing his whole estate under the circumstances.

So I apologize to my colleagues for taking so much time. I do feel deeply about this. I know my friend from Hawaii and others have important business to go ahead with.

I yield the floor at this time.

The PRESIDING OFFICER. The Senator from New York.

Mr. D'AMATO. Mr. President, first, let me commend my colleague from Utah. I think he made a very able, very cogent presentation with respect to the merits of reimbursing someone who found himself in a situation, through no fault of his own, having to spend hundreds of thousands of dollars. I certainly think we should move with speed to deal with that.

SEVERE ECONOMIC CONSEQUENCES TO NEW YORK UTILITY RATEPAYERS

Mr. D'AMATO. Mr. President, I rise to speak on another issue. Yesterday, the Senate gave overwhelming passage to H.R. 3448. Among other things, H.R. 3448 contained the Small Business Job Protection Act. That bill did a lot of good things for many Americans. For example, it extended the employer-provided education expenses for undergraduates and graduate students, something that had been allowed to run out.

It helped provide volunteer firefighters with their service awards—hundreds of thousands throughout this Nation. It brought about spousal IRA's for nonworking spouses, which is long overdue. Both Republicans and Democrats talked about this. And the tax provisions were provisions which were unanimously supported by the Finance Committee. Indeed, the distinguished senior Senator from New York, my colleague and ranking member of the committee, and I both supported this bill.

But, Mr. President, we supported it with a caveat, as it came up for markup—before the markup. We pointed out to the committee and to the chairman and to the staff that there was a provision that would bring about very severe economic consequences to the State of New York and to the ratepayers, the utility ratepayers, because in this bill there was a provision that would require those utility companies, namely Brooklyn Union Gas, Long Island Lighting Co., and Con Edison to redeem their tax-exempt bonds within a period of 6 months. Let me tell you what that would mean, and let me tell you how much in the way of bonds that we have.

We have outstanding $3.3 billion worth of tax-exempt bonds. Con Edison has $1.7 billion; LILCO, $950 million; Brooklyn Union Gas, $650 million. If these utilities were required to redeem their tax-exempt bonds with ordinary bonds, it would mean that the taxpayers and ratepayers of Long Island, Westchester, and New York City would pay an additional $65 million a year over the life of those bonds. We are talking about $1.6 billion—more than $1.6 billion.

Let me say, we already pay the highest electric rates in the Nation. This would cost Long Islanders alone more than $35 million a year.

That is just unconscionable. Let me say here and now, we are not going to stand still for this. This Senator is not going to agree to conferees being appointed until or unless this onerous, ridiculous, confiscatory provision is dropped from the bill.

Now, we were assured that it would be dropped from the bill, it would be dealt with, that technically they would take care of it. ''Don't worry,'' in between the time of the markup and bringing this bill to the floor and passage, ''don't worry about it. It will be taken care of.''

We are not looking to disadvantage anybody. If my State and the taxpayers of my State have to pay $65 million a year more in order to save $80 million over a 10-year period of time, somebody's arithmetic does not add up, and it does not make sense. I am not going to stand by and have our ratepayers get hit with this unconscionable kind of nonsensical—nonsensical—legal gymnastics. It does not make sense.

Understand, the Treasury will pick up $80 million—approximately $80 million—over a 10-year period of time, but it will wind up costing the New York ratepayers and taxpayers and those

who pay their utility bills, because those costs will be passed on from the utility to the ratepayers, $65 million a year more. Over a 25-year life—and it is a minimum of 25 years—it is $1.6 billion.

Let me tell you, Long Island already has the highest energy cost in the Nation. We are going to add another $30 to $35 million a year to that? We have jobs that are fleeing, industries that cannot compete, people who cannot use their air-conditioning in the summer because the rates are so high, the highest rates in the Nation.

So it was not an idle threat when this Senator and my distinguished colleague, Senator MOYNIHAN, indicated to the committee and to the chairman that this provision was not one that was acceptable. As a matter of fact, I assumed, given the promises that were made to us that it was taken care of, that it was dealt with in a way that would not create that burden, and that is what we were promised. That is not the case.

Mr. MOYNIHAN. Will my distinguished friend yield for a question?

Mr. D'AMATO. Certainly.

Mr. MOYNIHAN. He used the word ''threat,'' but then said ''promise.'' The point here is that we had an understanding. Would he not agree we had an understanding?

Mr. D'AMATO. That is correct.

Mr. MOYNIHAN. Would he not agree that this can be changed, but that if the bill is to go to conference, since we cannot bring it back up, it is possible for it to go to conference with an understanding on the part of the conferees that they will not return without a correction having been made?

Mr. D'AMATO. I believe that would be the only way in which we could handle this matter.

Mr. MOYNIHAN. We would not be able to agree to conferees.

Mr. D'AMATO. That is correct.

Mr. REID. Will the Senator from New York yield for a question?

Mr. D'AMATO. Certainly.

Mr. MOYNIHAN. We have two here.

Mr. REID. Whichever New York Senator has the floor. It appears this is a bipartisan statement. I want to make sure it is a nonregional statement, and covers the whole United States. We in Nevada have utilities extremely hindered by the result of what we did to you yesterday.

Mr. MOYNIHAN. We would welcome associates and—I do not presume to speak for my colleague, I just think I can say that we would like to be of help to anybody on this question.

Mr. D'AMATO. Let me assure my colleague from Nevada that it would not be my intent to have this deal just with New York. Indeed, all of those utilities that would be impaired and the ratepayers should not suffer regardless of what State they are in.

Indeed, if your utilities have used tax-exempt bonds—and I imagine they have—they would find themselves in a similar position we find ourselves in.

Mr. REID. I appreciate the answer of the Senator. Nevada Power is the utility that handles the power generation for 67 percent of the people in the State of Nevada and is affected very badly. Therefore, we stand by the New York delegation to assist you in whatever way we can.

Mr. MOYNIHAN. If I may just say, with one last question, does the Senator agree we should speak with our distinguished friend, the chairman of the committee, and see if we cannot work out instructions to the conferees at the time they are appointed?

Mr. D'AMATO. I agree with my colleague and friend, the distinguished senior Senator and ranking member of the committee. That is why I have a great deal of confidence in the Senator's suggestion that this would be a way in which we could work it out.

I am sorry that we had to come to the floor. Let me say, this matter is now one that has been outstanding for approximately a week—more than a week—in which we have been attempting at the staff level to work it out. Then when we find that it has not been done, it gives me great cause for concern, because unless we can get that agreement prior to going to conference, I think we would be foolish to move to conference.

So I hope we can get this agreement worked out. But, failing that, notwithstanding there are some magnificent provisions in this bill—just take a look: giving to employers the educational expenses that my colleague and I have worked to restore, and I am very proud of the fact we worked to restore that. Our graduate students, our nurses who are required to get additional education, right now if the hospitals reimburse them, they have to pay income tax on their tuition. That is silly. We want to encourage education.

The spousal IRA is a wonderful thing. We want nonworking spouses to be able to contribute to an IRA.

Having said that, I do not believe that it is fair to the ratepayers of New York to be stuck with this onerous provision that does little in the way of raising revenue but creates a $1.6 billion hit on our ratepayers.

Mr. President, I thank my distinguished colleague for joining with me, and I certainly hope we can resolve this matter, because I think the legislation is good, it is important, I want to see it passed, and I certainly hope we can work this out before this matter goes to conference.

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

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

Mr. REID. Mr. President, I ask unanimous consent that the brief statement that I made will not consist of a second speech on the same issue. I am going to talk now on the underlying bill.

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

NUCLEAR WASTE POLICY ACT

Mr. REID. Mr. President, I advised my colleagues, Senator STEVENS and Senator INOUYE, that I have been very patient here, but I think it would be to their interest if they went back to their offices and spent the afternoon doing something more profitable. I am going to talk here for as long as I am able to do so, which may take 4 or 5 hours. I may get tired after that.

But I have been over here. I told my friends I would not object to the defense appropriations bill being brought up, which I will not do. But I have been listening to what has gone on here this afternoon, and I think that we should talk about things that are important to talk about.

I have had the good fortune, since I came to the Senate, to be able to serve on the Appropriations Committee with my friend from Alaska, the senior Senator from Alaska, and the senior Senator from Hawaii. I have only the greatest respect for them and the work that they have done all the time I have served with them on the Appropriations Committee.

I think they have rendered great service to the country in the way that they have handled the appropriations bills every year that I have been on the committee. I am sure that will be the same this year. I am sure when the appropriations bill comes up, that I will support that appropriations bill. I am not on the subcommittee, but I have watched with interest and sometimes in awe at the way they have handled the bill.

But, Mr. President, there comes a time in the life of a Senator when you have to talk about principle. Even though I have the deepest respect for Senator STEVENS and Senator INOUYE, I am going to have to take a little time with my colleague, Senator BRYAN, and talk about what is happening to the State of Nevada.

We have heard some lectures here this afternoon about moving to important things. We talked about something dealing with the Travelgate and Billy Dale. I am sure that is important, and I think we should spend some time debating that issue. I am willing to do that at the right time.

Mr. President, we have a matter that we have been told is going to be brought up, S. 1936, the Nuclear Waste Policy Act of 1996, which is a fancy name for putting, without any regulation or control or safeguards, nuclear waste in Nevada. In effect, what they will do is pour a cement pad and start dumping nuclear waste on top of the ground. That is about it. We cannot allow that to happen without putting up a fight.

I regret that the Senate has decided to take its limited and valuable time

to consider this needless and reckless bill. That is what it is. It is needless because the President of the United States, Bill Clinton, said he is going to veto the bill. He said so in writing and he said so publicly. The last time he said it publicly was in Las Vegas, NV. But we are in some political season here where chits are being exchanged or whatever.

Give me a reason why you would bring up a nuclear waste bill that the President said he is going to veto when we have 12 appropriations bills to do? According to an hour-long speech I have listened to here today, we have Billy Dale we are concerned about. We have not done anything with health care reform, and should do that sometime, should take a couple days debating that.

Mr. President, we have more important issues that deserve our attention. I wish we would spend a little time here debating organ transplantation. I wish we would take a day here and tell the American public how important that is. The Chair understands how important it is. I was in the House of Representatives, served on the Science and Technology Committee. AL GORE, now the Vice President of the United States, was a Member of the House from Tennessee, and he was chairman of the subcommittee called Investigations and Oversight.

We held a hearing that lasted several days on organ transplantation. I will never forget as long as I live a little girl by the name of Jamie Fiske, a girl that came to see us. She was yellow. Her color was so bad because she needed a liver. As a result of the publicity from that hearing, Jamie Fiske was a lucky little girl. She got a new liver. As a result of that, her color changed. She became a healthy little girl.

We have not traveled that far since those hearings 12 years ago. I would like to be here debating what this body can do about organ transplantation. We do not have to spend the fortunes of the United States to do that. We just have to make it easier for people to do that.

I carry in my wallet, Mr. President, in case something happens to me, attached to the back of my driver's license, an organ donor card, it reads, ''Pursuant to the Uniform Anatomical Gift Act, I hereby give, effective on my death, any needed organs, tissues, eyes, parts for medical research.'' And, Mr. President, they can have anything they want.

I wish we would spend a little time talking about that, rather than a bill that is going nowhere except take up time here and embarrass the Senators from Nevada and take up our time and that of the President. There will have to be a conference if, in fact, it passes.

S. 1936 is being offered as a replacement for the 1982 Nuclear Waste Policy Act, as amended. The 1982 act says that the State that gets the permanent repository is not going to jump with joy, but the thought was we will go through some scientific observations and experimentations and determine if it is safe to have a permanent repository in a State.

In 1986, the law was changed where previously we were going to have three sites that would be chosen; the first site, second site, and third site. The President would be able to observe these three sites, and when it came time to put nuclear waste in one of these containment areas, he would choose between the three. It would not be as political. If one proved not to be scientifically proper, he would still have two others.

In 1986, for a lot of reasons, most of which were political—everyone acknowledges that now—two sites were eliminated. Texas was eliminated and the State of Washington was eliminated. Nevada now is the State. The law said—and was not changed in 1986—it said you cannot have the permanent repository and the temporary repository in the same State. It seems fair. But what this bill is going to do is take away what limited fairness we have. It is going to say you can put them both in Nevada.

It is a replacement. S. 1936 is a replacement that guts the existing law of its environmental and safety provisions and forces the Government to take responsibility for the waste and liabilities of the nuclear power industry.

Mr. BRYAN. Will the Senator yield for a question?

Mr. REID. I will yield to the Senator for a question, with the understanding that it would not violate the two-speech rule and when the Senator's question is asked and answered I would retain the floor.

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

Mr. BRYAN. As I understand what the Senator is indicating, in the 1982 Nuclear Waste Policy Act, we would have an attempt to find a suitable location, we would canvass America. We would look for the best location, wherever it would be, whether the formation would be granite in the Northeast or the salt dome formations in the South, or whether it would be tuff in Nevada, and that after that search was made, that there would be three sites that would be studied and referred to the President of the United States, and that one of those sites would ultimately be chosen.

If I understand what the Senator from Nevada is saying, that the 1986, 1987 changes to the law in effect said no longer do we search the country for the best site. Forget those criteria. We will just study, in terms of a permanent repository, the State of Nevada, and that at that time we had some assurance and some protection in the sense of equity or fairness that a State could not be studied for a permanent site, as I understood the Senator to say, that No. 1, you could not locate a temporary facility until after the permanent site was sited, and that, second, a State could not be both a permanent and a temporary site. I believe that is what I understood the Senator to say. The Senator can perhaps enlighten me if I misstated that case.

Mr. REID. The Senator is absolutely right. No one in this world who knows the nuclear waste issue has worked harder on the issue for the people of the State of Nevada in this country than the former Governor of Nevada and the present junior Senator from Nevada. He is a wealth of wisdom and knowledge on this issue, and he understands as much, if not more, than anyone else how the State of Nevada has been put upon.

Now, we do not like it, but we have accepted the characterization of going forward with the permanent repository. There is a tunnel, Mr. President, that is in that mountain, as large as this room and 2 miles deep, right into the side of a mountain, dug with a machine like a large auger. Now, we do not like it, but they are doing it. It is being done scientifically.

Now, I do not especially like how the DOE has conducted itself, but the truth of the matter is the Department of Energy has gotten all kinds of mixed signals from the Congress. We cannot blame it all on them.

As it will be developed during my remarks here this evening, Mr. President, you cannot fix important problems when you do not give individuals, organizations, and institutions enough time to fix them.

This proposal in S. 1936 is corporate welfare at its worst. It will needlessly expose people across the America—not Nevada, but across America—to the risk of nuclear accidents, I say in the plural. It is a replacement that guts existing law of its environmental and safety provisions and forces the Government to take responsibility for the waste and liability of the nuclear power industry.

Now, we are trying to get Government out of things. But not here; we are putting Government back in things. The existing Nuclear Waste Policy Act need not be changed or replaced.

As I have indicated, Mr. President, we do not like the permanent repository going forward in Nevada, but it is going forward. But not fast enough for the corporate giants. They want it to happen yesterday. They want it to happen without adequate safety, environmental, and science checks. Let it go forward and do not short-circuit it with this interim storage fiasco.

The present law is providing an adequate framework for the current program plan. It is being implemented by the Department of Energy to provide for the long-term disposition of nuclear waste.

Mr. President, as I have indicated, progress is being made on the scientific investigation of a permanent repository at Yucca Mountain. The exploratory tunnel is already, as I indicated, miles into the mountain.

Our Nation's nuclear powerplants are operating and have the capability to manage their spent fuel for many decades. There is no emergency, and there will be no interim storage problem for decades.

The current law has health, safety, and environmental safeguards to protect our citizenry from the risks involved in moving and disposing of a high-level nuclear waste. S. 1936 would effectively end the work on a permanent repository and abandon the health, safety, and environmental protection the citizens of Nevada and this country deserve.

Mr. President, as we talk about this today, we are going to find it is not only Nevada citizens that should be concerned, but they are going to be transporting tens of thousands of tons of nuclear waste across this country. They are going to be transporting the most poisonous substance known to man. How are they going to transport it? On trucks and railroad cars.

Mr. CONRAD. Will the Senator yield?

Mr. REID. I yield as long as there is an agreement it would not violate the two-speech rule, and that I would retain the floor.

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

Mr. CONRAD. I have been following this issue with some interest and note the strong interest of the Senator and his colleague, Senator BRYAN, with respect to this issue. Obviously, you have a very strong State interest.

I have been attempting to understand the full dimensions of this controversy. I notice on my schedule that I have individuals from the utility in my region coming in to see me tomorrow or the day thereafter with respect to this question. I wanted to have the opportunity to be able to ask a few questions in preparation for that meeting, if you do not mind.

The issue, as I understand it, is the question of an immediate storage capacity, and the question of whether or not you take the steps now to have that capacity located in the State of Nevada. Is that basically the question before the Senate?

Mr. REID. Yes, that is absolutely the case. I say to my friend from North Dakota, I have only been to North Dakota once in my life. That was to meet with a number of people in North Dakota. Some of the people with whom I met were people from the power industry. I was very impressed with the State of North Dakota and how it helped supply power for much more than the State of North Dakota. It was quite impressive, to be quite frank.

I say to my friend from North Dakota, and I hope he would convey this to the people that he is going to meet with tomorrow, having said that, I have been to North Dakota, been to Beulah. Right outside Beulah, they have this large power-generating facility. We in Nevada are not happy that they are putting the permanent repository there. They are characterizing it. But we have come to accept that. It is going forward. They are characterizing it.

What I say to the people from the power interests that are coming to see the Senator, why do they not let that move ahead, move ahead the way it is scheduled, not try to rush things? That is what has messed up this whole program. Everyone is trying to put science behind time schedules. You cannot do that.

As I have indicated, they have a hole as large as this room, 2 miles into the side of the mountain. They moved a great way in making progress, but let me ask my friend from North Dakota to explain to those people that they are going to ruin everything that they have worked for by trying to short-circuit this.

The President of the United States, who has no dog in this fight, said he will veto this bill. This is unfair to do it to a State, any State, but particularly Nevada, because we have the permanent repository.

Also, with the permanent repository, there are certain scientific guidelines that have been established. I say to my friend from North Dakota, let me show my friend what this bill does. Radiation exposure under this bill, anything you look at in millirems per year, are real low. Safe drinking water is way down here at 4; low-level nuclear waste, 25; also EPA and independent spent nuclear fuel storage—until we get to interim storage—100 millirems per year, four times what anybody else is asked to bear.

Mr. CONRAD. Can I ask the Senator if there are any scientific bases for that 100-millirem provision in this equation?

Mr. REID. I make a parliamentary inquiry.

Mr. President, when the Senator from Nevada is asked a question, is it necessary, as I already have received unanimous consent on one occasion, that I would not violate the two-speech rule by answering the question, and I retain the floor following the question to be answered? Do I need to repeat that each time that a question is asked?

The PRESIDING OFFICER (Mr. THOMPSON). That request is not necessary so long as you yield only for the question.

Mr. REID. As long as I yield only for a question.

Mr. CONRAD. I stipulate for the RECORD that I would like to engage the Senator from Nevada in a series of questions and responses, and we would stipulate that they would yield a response to questions. Is that appropriate, so that we do not have any question that these are questions that are being posed by the Senator from North Dakota to the Senator from Nevada?

I ask unanimous consent that we just have an understanding that these be all understood to be questions posed by the Senator from North Dakota to the Senator from Nevada.

The PRESIDING OFFICER. Is there objection?

So long as they are questions, without objection, it is so ordered.

Mr. CONRAD. I thank the Chair. As I indicated before, I am going to have this meeting, and I want to be certain that I understand this issue very well before I have that meeting. I want to thank my colleague from Nevada for indulging the Senator from North Dakota so I can get these questions answered.

Is there any scientific basis to this 100-millirem level that is provided for in this legislation?

Mr. REID. Absolutely none. There has been no evidence produced at hearings that this is adequate. There have been no scientific documents submitted. Everything is quite to the contrary. But I do not know anyone in the scientific community that would ever suggest that.

Mr. CONRAD. So we do not have anything from the National Academy of Sciences, for example, or anything from the National Institutes of Health? We do not have anything from any of the relevant agencies or departments that would say to us that this 100-millirem standard is one that meets some scientific test; is that correct?

Mr. REID. Absolutely true. During the time that the Senator was asking the question, I wanted to make sure that I was confident that the answer was correct. So I leaned over my shoulder to my colleague from Nevada, and he nodded that I was absolutely right. I have never seen anything to suggest that 100 millirems is appropriate in any way.

Mr. CONRAD. If I might further inquire, do either of the Senators from Nevada—the Senator who currently has the floor—know what would the cost be of this interim storage facility?

Mr. REID. This is interesting. Each site—and we have a little over 100 nuclear waste generating facilities in the United States—it would cost about $6 million per site to store nuclear waste where it now exists.

Mr. CONRAD. That would be a dry cask storage?

Mr. REID. Yes. Now, the dry cask storage container would cost—in addition to making that acceptable for temporary storage, but as I will develop during my remarks, you do not have the transportation problems. I also say to my friend that the National Academy of Sciences recommends for this 10 to 30 millirems, which is right here on the chart.

Mr. CONRAD. They have made a specific recommendation with respect to the potential risk, and they have asserted that a 10- to 30-millirem standard is appropriate. But this legislation has a 100-millirem standard; is that right?

Mr. REID. The Senator from North Dakota is absolutely right. The answer is still the same. Nobody ever suggested that 100 is appropriate. The National Academy of Sciences has suggested 10 to 30 millirems.

Mr. CONRAD. Again, I would like to go back to the question of cost, if I could, because I think that is an important consideration in anything we do around here to anybody who appreciates, as the Senator from Nevada does, the intense budget pressure that we are under. The first question I always ask my staff on any legislation that is brought to me is, ''What does it cost?'' Could the Senator from Nevada tell me what the estimated cost is of this temporary storage facility?

Mr. REID. I am happy to. The operating cost for on-site dry cask storage amounts to about $1 million per year per site. It is $6 million to establish it and, after that, $1 million per year.

Mr. CONRAD. So that would be the sites that would be at some 100 locations where we have nuclear power facilities around the country; is that correct?

Mr. REID. Yes, in cooling ponds. Some of them are saying, ''We are getting to capacity, so what should we do?'' What we and the scientists say is, ''If you want to leave it on-site, you can establish a site for dry cask storage containment for $6 million, and after you get it in the cask, it will cost $1 million a year to keep an eye on it.''

Mr. CONRAD. Then the question is, what is the alternative? If we go to a temporary storage in the State of Nevada, what would the cost of that approach be? Do you have an estimate of that?

Mr. REID. We do not have an estimate. The reason is that the cost of transportation is significant. We have here another chart. This is a sign of nuclear—do you understand what I am saying?

Mr. CONRAD. Yes.

Mr. REID. If we eliminate those, we have to transport these, probably now about 50-some-odd thousand metric tons of nuclear waste. This is how we would transport it. The cost is very significant, because what they have decided is that they would have to move most of it by rail. But to get it to rail, they have to go by trucks to get it to some of the rail sites. My staff just tells me that the information we have been given is that the interim site would cost $1.3 billion, plus the transportation.

Mr. CONRAD. It would cost $1.3 billion for the interim site itself?

Mr. REID. That is right, plus transportation.

Mr. CONRAD. The transportation would be in addition. So it would cost $1.3 billion, and the alternative, as you have outlined, would be $6 million per site, plus $1 million a year.

Mr. REID. That is right.

Mr. CONRAD. Well, do we have any estimate of once you have established this site—which would cost $1.3 billion initially, and have on top of that the transportation cost—what the annual operating cost of that facility would be?

Mr. REID. It would be around $30 million a year.

Mr. CONRAD. About $30 million a year. We are talking about, obviously, a very substantial expenditure. Is this an expenditure by the Federal Government, out of the Federal coffers, the $1.3 billion?

Mr. REID. Yes, because they have asked the Federal Government to take over the project. Up to this time, much of the expense has been borne by ratepayers at so much per kilowatt per electricity into this fund. The fund has been used to repair the nuclear repository. I tell the Senator some interesting statistics. This will make the people shudder, and the Senator from North Dakota is one of our budget experts here, so he probably will not shudder as much because he has gotten used to things like this.

When the 1982 act passed, everyone was told that characterization would cost about $200 million.

Mr. CONRAD. That is with an ''M,'' not a ''B''?

Mr. REID. That is right. But now the estimate is about $7 billion.

Mr. CONRAD. So it is loaded by a factor of 35.

Mr. REID. They were a little off. They are now approaching $3 billion for what they have done at Yucca Mountain. I say, without placing all the blame on the Department of Energy, a lot of it has been, I repeat, trying to put time ahead of science. They get mixed signals to do this and do that. It has made it an impossible situation. But its move forward has been two steps forward and one step back. But they have made tremendous progress in the deserts of Nevada to determine if Yucca Mountain is scientifically proper for geological burial of nuclear waste.

Mr. CONRAD. The question that I have is this. The Federal Government is going to take on this expenditure, the $1.3 billion; is that financed by the ratepayers, or does this come out of the Federal Treasury, the $1.3 billion?

Mr. REID. Mr. President, that is a debatable issue. There are some who say that the ratepayers should continue and it should not be appropriated money of the United States. But there are others who are saying we are going to sue you, the Federal Government, because you do not have a place to put nuclear waste like you told us you would. So we are going to sue you and make the Federal taxpayers pay for it because the timeline for having a repository first in Washington, Texas, and Nevada has slipped.

Mr. CONRAD. So what we may have here is another lawsuit, or series of lawsuits, endless litigation no doubt with respect to the question of who pays?

Mr. REID. Yes. I also say to my friend from North Dakota that there are many who say that there is no problem the way things now stand. The Nuclear Waste Technical Reviewing Board clearly stated:

> The board sees no compelling technical or safety reason to move spent fuel to a centralized storage facility for the next few years.

This a statement they just made:

> The methods now used to store spent fuel at reactor sites are safe and will remain safe for decades to come.

Mr. CONRAD. Let me ask this question. We do not have any nuclear facility in North Dakota. We have some customers in North Dakota who are part of the NSP. NSP has a nuclear plant in Minnesota. So some of our customers in North Dakota have been paying into a fund for some period of time to handle their spent fuel. But as I am hearing the Senator, we could have here a transfer of costs to other taxpayers in North Dakota to take on what would be a Federal facility. In other words, the taxpayers of North Dakota, most of whom have not been benefited by nuclear power, would be asked to pay as Federal taxpayers the Federal share of this facility that would be located in Nevada.

So would I be correct in assuming that North Dakota taxpayers would be asked to take on this burden which has been created by an industry that has been benefiting folks largely not in the State of North Dakota?

Mr. REID. I believe that is absolutely true. I say also to my friend that, first of all, everyone acknowledges that the Federal Government should pay for defense wastes. And the nuclear waste fund—the money we get from the ratepayers—is supposed to take care of the permanent repository. But there are even some who say that is underfunded; that the taxpayers will have to accept responsibility for that.

Finally, I respond to my friend that there is no reason for any of this. I repeat for the third time here today. I do not like the permanent repository in Nevada. It is unpopular. Any place Senator BRYAN or Senator REID goes in the State of Nevada, the seventh-largest State in America, any place we go, whether it is in Elko in northern Nevada, in the far northeast, or Nelson, in the far south, wherever you go the first thing people talk about is nuclear waste.

I am saying there is no need to have this problem. We do not like the permanent repository. But there is no need to compound the problem, not only for the people of Nevada but for the whole country.

I say to my friend from North Dakota, these are not figures that I came up with. These are from the Department of Transportation and the Department of Energy. These are 43 States at risk. This is where the nuclear waste is going to have to go.

Mr. CONRAD. Is North Dakota on that list?

Mr. REID. North Dakota is not on that list.

Mr. CONRAD. I am relieved to find that out.

Mr. REID. You are one of the seven. You are very fortunate. But North Dakota is located in the perimeter of this State. As we have learned, North Dakota produces a lot of things. But one

thing it produces is very good students. We have heard Senator MOYNIHAN lecture about that. For whatever reason, people from North Dakota do very well in school.

Mr. CONRAD. Do especially well in math, I might add.

Mr. REID. I know one Senator from North Dakota who does well in math.

But we have 43 States, and they are at risk because of the truckloads—Arizona, 6,173 truckloads of nuclear waste; 783 trainloads of nuclear waste.

We would go through the list. When you get to Missouri, it has almost 8,000 trainloads. This is unnecessary. We do not need to fill a single truck or a single train with nuclear waste.

Do what the Nuclear Waste Technical Review Board says: Leave it where it is until we get the permanent repository, and then you move it once.

Mr. CONRAD. If I could just wrap up, I appreciate very much the patience of my colleague. Tomorrow or the day thereafter when the people from the utility in my region of the country—not directly from North Dakota—come to see me, I presume that their key message will be, ''Senator, we have a problem developing because our pools are filling with this waste, and we have to move it somewhere. We have to do something with it.'' What would the Senator's answer be to those folks if they presented him with that question?

Mr. REID. I would say that the Nuclear Waste Technical Review Board, which has no interest in this other than to do the right scientific thing, says: ''The board sees no compelling technical or safety reason to move the spent fuel to a centralized storage facility.''

Mr. CONRAD. Their judgment is that it ought to be left in the locations where it is today, and to the extent that the ponds that are the current repository are filling that they move those quantities to dry cask storage.

Is that the essence of their recommendation?

Mr. REID. That is the statement of the Senator. I have read verbatim what they have said. I feel very confident in stating that the board knows—I am talking about the Nuclear Waste Technical Review Board—that of the more than 100 operating nuclear power reactors at 75 sites in 34 States, 23 will require additional storage space probably before the turn of the century. They are saying those 23, just leave them like they are. They have seen them, studied them, do not worry about them. The cooling ponds are fine. But if you have to move them to dry cask storage then do that.

Mr. CONRAD. Then that would be their recommendation. In those places where the ponds have reached their capacity, or about to reach their capacity, those quantities be moved to dry cask storage on the spot, not be transported to an interim facility, but wait for the long-term repository.

Mr. REID. That is right.

Mr. CONRAD. If I could just finish by asking my colleague, what is the schedule for the creation and development of a permanent repository? Is that something that is anticipated to be done in 10 years or 20 years?

Mr. REID. We expect a final decision to be made probably in the year 2009.

Mr. CONRAD. That would be a decision made.

Mr. REID. Yes. But that is when they start moving. That is when they declare the site scientifically safe.

Mr. CONRAD. At that point would it be operational?

Mr. REID. Yes. The dates slip a little bit.

Mr. CONRAD. Thirteen or fourteen years from now.

Mr. REID. Yes.

Mr. CONRAD. I thank my colleague from Nevada for this chance to get some of my questions answered. I appreciate very much the efforts that he and his colleagues have put into this thing.

I must say I have rarely seen two colleagues more determined on an issue than Senator REID and Senator BRYAN. I think it speaks volumes to our colleagues. It speaks volumes to this Senator about the seriousness with which they regard this issue; the time they have taken in our caucus; the time they have taken on the floor; the time they have taken individually to alert colleagues as to the critical nature of this issue for their State.

If I resided in Nevada I would be very proud to have two Senators like Senators REID and BRYAN representing me because one thing you want, whoever you send here, when there is a time to fight for your State that somebody is going to stand up and fight.

I must say I have not reached a conclusion on this issue. I have more to learn. I want to hear from both sides before I reach a conclusion. But if there are ever two men who are fighting for their State, I must say it is Senators REID and BRYAN.

I would like to conclude by saying that I admire and respect the effort that you are making on behalf of the citizens of Nevada.

Mr. REID. I appreciate the penetrating questions of the Senator from North Dakota.

I only respond that I have been in this body as long as the Senator from North Dakota. We came at the same time. I think it is important to remind the people of America that the Senator from North Dakota, as far as this Senator is concerned, speaks volumes of what integrity is all about.

I will remind people—and I am sure it is embarrassing to the Senator, but I will say it while he is on the floor—the Senator came to Washington at the same time I came to the Senate, and he said that he felt the No. 1 responsibility was to reduce the deficit. When the deficit was not reduced as much as he thought it should be, he decided not to run for office, and he did not.

I also say that the Senator has been very complimentary to the two Senators from Nevada about the issue about which I address the Senate today, but I say to the people of North Dakota, I have learned a great deal in the 10 years I have served in the Senate with the Senator from North Dakota, because in North Dakota anything dealing with agriculture is a burning issue, and I have watched the Senator, since my colleague has come to the Senate, devour the rest of the Senate on agricultural issues. So I appreciate the nice remarks, but certainly it is mutual admiration.

Mr. President, as I have spoken, we have a lot to do in this body. As I indicated, my good friend from the neighbor State of Utah has spoken about an issue, and he has spoken very fervently. The chairman of the Judiciary Committee has stated that he feels we should do something about the Billy Dale matter, attorney's fees and cost reimbursement.

I think there are some issues that we need to talk about. I would like to talk about some of those issues. That is why I am talking here today. We should be talking about issues that the President has said, ''I am not going to veto that.'' You heard the Senator from Utah; he said that the President would accept a Billy Dale bill. He has said, on the matter about which I speak, S. 1936, he will veto it. He has not said it once. He said it many times.

You will note that Senator Dole did not bring up this matter. Why did he not bring it up? I would think that he probably has a pretty good idea about Presidential politics. I think he knows that in Nevada, there are a lot of important issues, but there is nothing that is at the top of people's lists like nuclear waste. He said he is going to veto it. He has said it in Washington. He has said it in Nevada. And he will veto it.

If there is anybody who believes that Clinton will not sweep the State of Nevada if he vetoes this, they have got another think coming. He carried the State 4 years ago. Right now, the polls show Clinton ahead a little bit in Nevada. But if he vetoes this bill, he will be a long ways ahead in Nevada. That is why Senator Dole did not bring it up, because he knew that when November comes, this election is going to be pretty close, even though Nevada is not a real populated State—we now only have two congressional representatives—in the next census, we will probably have three or four, but right now we only have two, meaning we have four electoral votes, and that could make the difference in this election. That is why Senator Dole did not bring up this issue.

It is my understanding, Mr. President, that our colleague from Indiana is present, and that he wishes to recess for a short time so that he can introduce a parliamentary delegation.

I ask unanimous consent that I not lose any privileges of the floor, that I retain the floor as soon as the 10-minute recess is ended, that I lose no rights, privileges, or other matters

that may be at my disposal as a result of this brief 10-minute recess.

Is there agreement to that, Mr. President?

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

Mr. REID. I would therefore on those conditions yield to my distinguished colleague from Indiana for the introductions.

The PRESIDING OFFICER. The distinguished Senator from Indiana.

VISIT TO THE SENATE BY MEMBERS OF THE EUROPEAN PARLIAMENTARY GROUP

Mr. LUGAR. Mr. President, I thank the distinguished Senator from Nevada for his cooperation. Likewise, I'd like to thank all Senators who are with us, and staff.

It is my privilege and honor to have the opportunity to welcome on behalf of the entire Senate a distinguished delegation from the European Parliamentary Group who are here for the 44th European Parliament and U.S. Congress Interparliamentary Meeting. This delegation, which is led by Mr. Alan Donnelly, from the United Kingdom, and Mrs. Karla Peijs, from the Netherlands, is here to meet with Members of the Congress and other American officials to discuss a wide range of issues of mutual concern.

The European Parliament plays an increasingly important role in shaping the new Europe. Parliament's authority has been expanded recently. It will continue to play a central role in the many challenges and opportunities facing Europe as European nations build upon free market economics, as they deepen the roots of democracy, as they define their relationships with Russia and the former Warsaw Pact countries and reach out to the rest of the world to forge viable economic, political, and security linkages.

Continued contact with and strong relations between the European Parliament and the U.S. Congress are essential in developing better economic relations with Europe and in reinforcing the many common goals which bring us together.

I ask all of my colleagues to join me in welcoming individually, by greeting them by hand, each of the distinguished parliamentarians who are here today from the European Parliament.

Mr. President, I ask unanimous consent that a list of all of the delegation be printed in the RECORD.

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

EUROPEAN PARLIAMENT DELEGATION FOR RELATIONS WITH THE UNITED STATES, JULY 1996

SOCIALIST GROUP (PSE)

Alan Donnelly (U.K.) Chairman.
Jean Pierre Cot (France).
Mrs. Ilona Graenitz (Austria).
Ms. Irini Lambraki (Greece).
Mrs. Bernie Malone (Ireland).
Gerhard Schmid (Germany).
Erhard Meier (Austria).

EUROPEAN PEOPLE'S PARTY (PPE—CHRISTIAN DEMOCRATS)

Mrs. Karla Peijs (Netherlands) Vice Chairman.
Ms. Mary Banotti (Ireland).
Bryan Cassidy (U.K.).
Reinhard Rack (Austria).
Elmar Brok (Germany).
Giampaolo D'Andrea (Italy).
Paul Rübig (Austria).

UNION FOR EUROPE GROUP

Raul Miguel Rosado Fernandes (Portugal).
Franco E. Malerba (Italy).

Mr. LUGAR. It is, indeed, a privilege to have this delegation with us, and I appreciate the time taken by the Chair and by the Senators so that we may have an opportunity to greet this distinguished delegation. I encourage all of us to do so before we proceed with our debate.

I thank the Chair.

RECESS

Mr. LUGAR. Mr. President, I ask unanimous consent, under the conditions stipulated by the distinguished Senator from Nevada, that the Senate stand in recess for 5 minutes.

There being no objection, the Senate, at 4:37 p.m., recessed until 4:46 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. THOMPSON).

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. The Senator from Nevada has the floor. I wonder if I can have unanimous consent that I not lose my right to the floor. I want to speak with the majority leader.

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

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

The PRESIDING OFFICER. There is no quorum call in progress.

The Senator from Nevada.

NUCLEAR WASTE POLICY ACT

Mr. REID. Mr. President, as we were discussing before the senior Senator from Indiana asked for a recess for the European Parliamentarians, we have a lot to do in this body. I hope we can do a welfare reform bill. It is part of the Democratic families first agenda. It is something my colleagues on the other side of the aisle have said that they want to pass, and I believe that.

I am a member of the Environment and Public Works Committee. I have responsibilities with my friend from Idaho, Senator KEMPTHORNE. I am the ranking member of a subcommittee, and we passed out of this body, with bipartisan support, a safe drinking water bill. That conference is now ready to meet. We should get a bill back here and debate that conference report and pass, for the people of this country, the Safe Drinking Water Act.

Health care reform: Health care is important. There is no way that we are going to be able to do all that needs to be done with health care, but we need to do what is possible to go with health care. Can we not do the portability of insurance? Can we not handle preexisting disability? We need to finish that important issue.

The only appropriations bill that we have passed is one that is chaired by the junior Senator from Montana, and I am the ranking member of that subcommittee, military construction. It was a bill that passed here on a bipartisan basis. We had very good debate on the underlying issues when the defense authorization bill came up. We had fully exhausted talking about those military construction matters when the military construction appropriations bill came up. When it came up, it passed out of here without a contrary vote.

There are many things that we need to do here that are doable, but the more time we waste on issues like nuclear waste, an issue that the President has said he is going to veto—interim storage—we are taking away from the important matters at hand.

I repeat, we were lectured today by my friend, the senior Senator from Utah, about the situation with the White House Travel Office. Listening to my friend from Utah, I think that is an issue that needs to be debated at length, because there are two sides to every story. Maybe Billy Dale is entitled to be compensated for all of his attorney's fees, but that would set a kind of strange precedent in this body that any time a Federal prosecution goes awry, we reimburse the defendant, who is acquitted, for his attorney's fees? Think about that one as a precedent-setting matter.

I have also seen a letter that was written on Billy Dale's behalf to the Justice Department that he would agree to plead guilty to a felony. I have also seen that one of the reasons that criminal prosecution was considered is he used to take part of the money home with him every night—I do not know about every night—but he would take cash home with him, kept it in his home. I think that would raise some suspicions in some people's minds.

Maybe Billy Dale is entitled to be reimbursed for his expenses. Maybe there are some overwhelming merits on his behalf of which I am not aware. But it is not a slam dunk, as the Senator from Utah would lead us to believe.

So, should that not be something we talk about here? The President has not said he is going to veto that. But, no, what we are being told is we are going to go to S. 1936, a bill that the President of the United States, Bill Clinton, has said he is going to veto. It will take up time of this body and take up time of the other body in conference.

The President said he is going to veto it. Why should he not veto it? It is one of the most irresponsible pieces of legislation that I can even imagine. I am sure there are more, but I do not know what they would be.

Remember, the 1982 act said that you could not put the permanent repository and the temporary repository in the same State. What S. 1936 tries to do is it says we are going to set that longstanding policy aside and site both the temporary storage and permanent storage in the same State. Is it any wonder that the President said, ''This is unfair, and I'm going to veto it?''

Our Nation's nuclear powerplants are operating and have the capability to manage the spent fuel for many decades. There is no emergency. There will be no interim storage problem for decades. I have heard every year that I have been in this body that there is an emergency. They have cried wolf so many times. To this Senator they have cried wolf 13 or 14 times. There is just no reason that we continually hear these cries: ''Please help us, we have no alternative. You've got to help us.''

Mr. BRYAN. Will the Senator yield for a question?

Mr. REID. I will be happy to yield for a question under the preceding request that is outstanding that I not lose my right to the floor if it is a question.

Mr. BRYAN. Apropos to the Senator's comment that we have heard time and time again that there is a crisis that is unfolding, does the Senator recall back in the early 1980's when a program that was referred to as the away-from-reactor-storage concept, which is similar to the interim storage that we are dealing with, that the nuclear utilities in America came forward and indicated that if they did not have away-from-reactor-storage capability—this was in the early eighties—that by 1983 there may be brownouts across the country, that nuclear utilities would be forced to close with all kinds of electrical distribution crises appearing in cities across the country?

And if the Senator recalls that, does this not seem like a familiar refrain of the old cry of wolf again and again and again because, in point of fact, as I understand it—and I invite the Senator to respond to my question—there really is no crisis? There is no reason for us to be on an issue such as the S. 1936 bill, as the Senator mentions.

Does the Senator recall that history? The Senator has been in this Chamber longer than I have. But this is such a familiar refrain to this Senator.

Mr. REID. I remember very clearly that plea for mercy. ''We have to do it or we can't survive.'' The Senator is absolutely right. They said there would be parts of the United States that would have no power, there would be brownouts. Of course, there have been some brownouts, but those had nothing to do with nuclear power.

Mr. BRYAN. I believe, if the Senator would yield for a further question——

Mr. REID. I will yield for a question.

Mr. BRYAN. I believe that the state of the record will bear this out, that no nuclear utility in America has ever been required to close or cease generation of power because of the absence of storage.

Mr. REID. The Senator is absolutely right. It is very clear that the cooling ponds are sufficient. But one of the interesting things that my colleagues should understand is, since 1982, the scientific community has been working on a number of scientific endeavors relating to nuclear waste.

One of the things they have worked on is, if we are going to transport nuclear waste, we have to do it safely. How can we do it? You just cannot throw it in the back of a truck. You cannot just throw it in one of the boxcars. So they have worked and they have come up with something called a dry cask storage container. With a dry cask storage container, they said, you know, I think we can transport this stuff safely.

I will talk a little later how probably—not probably; there are still some safety problems in transporting. But all the scientists say you can store nuclear waste on site in a dry cask storage container and that will be perfectly safe because you do not have the problems with train wrecks and truck wrecks and fires on-site.

Mr. BRYAN. If the Senator would yield for a further question.

Mr. REID. I will yield for a question.

Mr. BRYAN. It is my understanding of the state of the record that in point of fact some nuclear utilities today are storing their high-level nuclear waste on-site in the facilities which the Senator has just described, dry cask storage. So as I understand it, we are not talking about some theoretical or technical possibility. We are talking about technology off the shelf, currently available, being used by many utilities and available currently today.

Mr. REID. The Senator's question is directly to the point. It is absolutely true. It is now beyond the planning stage. Dry cask storage containers work. They work better when you leave them on-site. Then you do not encounter the problems, as I indicated, with train wrecks and truck wrecks and firings and those kinds of things. So the Senator is absolutely right. The current law has health, safety and environmental safeguards to protect our citizenry from risks involved in moving and disposing of high-level nuclear waste.

S. 1936 would effectively end the work on a permanent repository and abandon the health, safety and environmental protection our citizens deserve. I am not talking about just Nevada citizens; I am talking about citizens of this country. It would create an unneeded and costly interim storage facility. It would expose the Government and its citizens to needless financial risk.

So, Mr. President, why are we here addressing this issue instead of issues that need attention, actions that will improve the condition of the average American, instead of this bill, which will only improve the bottom line of the nuclear power industry, at best?

We are here because the nuclear industry wants to transfer their risks, their responsibilities, and their legitimate business expenses to the American taxpayer. This has been their agenda for almost two decades. They think that now is the time to close the deal. They want the nuclear waste out of their backyard and into someone else's backyard. They do not care what the risks are.

The bill is not in the best interest of the people of this country. It should not become law. Because of Bill Clinton, it will not become law. The President will veto this. If we do not have the foresight, Mr. President, to kill it here and now, the President will veto it.

S. 1936 is not just bad, it is dangerous legislation. It tramples due process and it gives the lie to the claims of support for self-determination and local control, made with great piety by some of our membership. It legislates technical guidelines for public health and safety, arrogantly assuming the mantle of ''the Government knows best,'' when in actual fact this branch of Government knows virtually nothing about these technical issues. It mandates a level of risk to citizens of this country and the citizens of Nevada that is at least four times the level permissible at any other radioactive waste facility.

Mr. President, let me go over this chart again that I did with my colleague from North Dakota. There is no exposure level—there is no exposure level—any place in the country, anyplace in the world, that has laws like this.

The EPA safe drinking water, 4 millirems per year; NRC Low-Level Nuclear Waste Site, 25 millirems per year; the EPA WIPP facility in New Mexico, 15 millirems per year; the Independent Spent Nuclear Fuel Storage Facility, 25 millirems; the International Exposure Range, 10 to 30.

What do we have in S. 1936? One hundred millirems. I mean, look at it. Why would we allow radiation exposure levels to individuals that have anything to do with nuclear waste in Nevada 4 times, 10 times, 20 times what it is in other places, other agencies? It just simply is wrong.

Mr. BRYAN. Will the Senator yield for a question?

Mr. REID. I will be happy to yield to my colleague for a question.

Mr. BRYAN. If I understand what the Senator is saying, this is absolutely astounding. Is the Senator suggesting that the EPA has said, as a safe drinking standard for America, 4 millirems? That is per year?

Mr. REID. Four millirems is the correct answer.

Mr. BRYAN. As the Senator well knows, the WIPP is a facility in New Mexico designed to receive transuranic nuclear waste. Is the Senator indicating for the good citizens of New Mexico, 15 millirems?

Mr. REID. The Senator is correct.

Mr. BRYAN. And that the citizens in the State of Nevada—we were admitted to the Union, if I recall, before the

good State of New Mexico—but somehow for the rest of America, they have a 4-millirem standard for safe drinking water, at another nuclear storage area in our country they are proposing 15 millirems, but in the State of Nevada from a sole source, a single source, they are suggesting that Nevadans would have to accept a standard of 100 millirems from one source on an annual basis? Is that what they are suggesting?

Mr. REID. My colleague is absolutely right, absolutely right. In Nevada they are saying, ''We're going to pour this cement pad and dump this out. If it leads to 100 millirems exposure, that is OK.'' That is what they are saying.

Mr. BRYAN. I must say, it prompts the question in this Senator's mind. There must be more to this than we understand. Somehow, in a deliberative chamber, that there would be a suggestion made that health and safety standards, which presumably are legislated for the Nation, and with each of us entitled to equal protection under the law, and presumably I would think we would be entitled to equal protection in terms of health and safety standards, that a Congress which purports to be interested and concerned with the rights and sovereignty of States, individual States, would suggest that one State out of the Nation, and one State alone, would have a standard applied to that State that is 25 times the safe standard for safe drinking water and would be more than 6 times the standard that the citizens of our southwestern State, New Mexico, would be subjected to for the transuranic, that somehow we have a standard of 100 millirems.

Mr. REID. The Senator is correct. The answer is yes. As the Senator from North Dakota, in questions to this Senator earlier in the day asked, is there any reason for that? No. There is no scientific basis. There is no scientific theory. There are only people who want to jam this down the throats of the people in Nevada saying, ''Don't worry about it. It will be OK.''

Mr. BRYAN. I must say, the thought occurs to this Senator, and the question arises in this Senator's mind, that why would any legislative body seek to impose a standard on a single State that no other Member of this body would be willing to accept for his or her State, when what we are talking about is health and safety? We are talking about potential dangers from the standpoint of cancer, genetic health problems, all of which, as I recall, we experience currently as a result of some of the atmospheric experiences in Nevada State in the 1950's and 1960's.

(Mr. ABRAHAM assumed the chair.)

Mr. REID. I say to my friend from Nevada, the question is absolutely pertinent. The answer is, we do not know why that standard is set. There is no scientific basis. There is none whatever.

It goes to show how maybe the two Senators from Nevada were not such great advocates after all to get the President of the United States to agree to veto this. For Heaven's sake, why would we? On this basis alone, the President should veto this legislation. On this basis alone, he should veto this legislation, notwithstanding the fact that they are trying to change the substantive law in effect since 1982, that you could not have a permanent site and a temporary site in the same State. The President of the United States has many, many reasons to veto this bill. That is why he has said he will veto the bill.

Yet, what are we doing? We have 34 legislative days left until we adjourn in October. I think it is 34 or 35 days. We are here talking about nuclear waste. We should be talking about health care, welfare reform, teenage pregnancy. We have a lot of things to do with pensions that we need to do work on. We have 12 appropriations bills we could better spend our time on. We have reconciliation. We have numerous conferences we could be completing and here debating. But what are we doing? We are going to spend days on a bill that the President has said he is going to veto.

Now, the State of Nevada, I say to my friend, the Presiding Officer, unlike his State, which is a very populous State, we are a small State. For many, many years we were the least populated State in the Union. We are used to having people say, ''Well, Nevada is not much. It is just a big desert, so we will give you anything we want.'' I think they have carried it too far in this instance. The President of the United States acknowledges it has been carried too far.

We have sacrificed a great deal for this country, and we have been willing to do it, the citizens of the State of Nevada. We have had numerous military installations in the State of Nevada. We still have a number. We have the most important airplane fighter training facility in the world, one for the Navy at Fallon—the best. If you want to be a Navy pilot and you want to be the best Navy pilot, you will train in Fallon. If you are in the Air Force and you fly fighter planes, if you want the Ph.D. of flying, you go to Nellis. Forty percent of the State of Nevada airspace is restricted to the military. If you want to fly to Nevada, you avoid 40 percent of the airspace in Nevada because this is restricted. We have given a lot. We have been willing to do that.

There have been almost 1,000 atomic devices set off in Nevada, some of them above ground, causing sickness and injury to people in Nevada and wherever the clouds went—lots of people upwind, including some in Utah. We sacrificed that.

There comes a time when the line has to be drawn. It has been drawn, Mr. President. We are wasting our time on this bill. As long as this bill is going to be brought before this body—there is no one that can say the President will not veto it—we are wasting our time.

We are going to talk about this bill at great length. That is why we have the Senate of the United States. That is why two Senators from Nevada, a sparsely populated State, have as much right, as much authority in this body, as Senators from very populated States like Michigan, New York, Florida, Texas, and California.

The two Senators from Nevada, although we are a State now of about 1.6 or 1.7 million—small by most standards—we have as much right to do whatever a Senator can do as our sister State of California, which has 32 million people. We are here exercising our rights that were set up in the Constitution of the United States. I carry one in my pocket, a Constitution of the United States. It gives us the rights we have on this floor.

We will do what we can to protect the State of Nevada. That is why we are here. This is not some unique thing that a couple of Senators from Nevada dreamed up. This is something that the Founding Fathers dreamed up over 200 years ago. We will use the Constitution that has established the Senate of the United States to protect the rights of the people of the State of Nevada, and we believe in the rights of the people of this country who are being misled and misguided by this very dangerous law that is being proposed.

Mr. President, S. 1936 is not just bad, it is dangerous. It tramples due process. I repeat, it makes light of the claims of support for self-determination made with great piety by some of our membership. It legislates technical guidelines for public health and safety, arrogantly assuming the mantle that Government knows best, when, in actual fact, as I have stated before, the Government knows virtually nothing about these technical issues.

I repeat, because it is worth repeating, it mandates a level of risk to Nevada citizens that is 25 times the level permissible at other radioactive standards. Radioactive exposure levels deemed safe by the sponsors of this bill are 25 times the level permitted by this Nation's Safe Drinking Water Act.

This bill prohibits the timely application of Federal, State and local environmental regulation activities that deal with some of the most hazardous materials known to man. I do not qualify that: It deals with the most hazardous substance known to man. I defy anyone to tell me anything that is more dangerous and more potent that plutonium.

Why would the sponsors abandon these protections? Could it be because this material is so hazardous that regulators of public health and safety might interfere with this rush to move waste out of the sponsors' and generators' backyards? Or could it be because there are serious uncertainties about how much contamination is safe, so that moving it around and storing it safely is a time-consuming and complicated process? Could it be possible that the desire to make this waste

someone else's problem is so intense that the proponents of this bill and the generators of this poison have abandoned all pretense of caring for our environment or caring for the health, safety, and prosperity of our fellow citizens?

I say, Mr. President, look at this chart: 25 times the level of safe drinking water, 4 times independent spent-nuclear-fuel storage; over 6 times more than the WIPP facility setup in New Mexico.

By denying the protections of environmental regulation, this bill makes a mockery of significant advances this Nation has made in promoting wise and prudent care for our increasingly fragile environment. But the sponsors do not care because it will be someone else's problem or at least that is what they think.

If they can do this to Nevada, what is next? Take, for example, a State that borders on Nevada—Idaho. Idaho is a beautiful State. I have floated down the Snake River. I have stayed at Sun Valley. It is a beautiful State, sparsely settled. But assume that California or assume one of the other States who have all the problems with landfills, solid waste, they decide they want to bring their mountains of garbage, of refuge that are accumulating in California or some other densely settled Eastern State, where usable landfill space is rapidly disappearing, and imagine the reaction if Idaho were made a garbage dump by prohibiting applicable environmental law, by denying judicial review of dangerous and intrusive activities and by legislative definition of unacceptable health and safety standards. What would the reaction be of the people of the State of Idaho, that beautiful State of Idaho, which suddenly was told that they are going to be the repository for mountains of garbage—every kind of garbage? They will just take it and pick a spot in Idaho and start dumping it. What would their reaction be?

Idaho did not generate the garbage. Idaho did not benefit from the products that generated this garbage. Their economy did not gain a single cent from the sale of products that generated this garbage. Idaho is just conveniently rural and is outnumbered by those who do generate it, those who did benefit and enrich themselves through the generation of the garbage. Could Idaho stop such a blatant, inexcusable abuse of power in their own home State, or of its environment, or of its future freedom to develop, occupy, or use its land? Could Idaho at least take action to ensure the health and safety of its residents and their children and their children's children in countless generations? Well, could they?

Before the introduction of this bill, I would say, sure they could. But if this bill is allowed to pass, that will not be the case. After all, that is what this Government is all about, protecting the rights of each and every one of us—our health, and protecting the security of our homes, protecting the rights of each of us in the pursuit of prosperity, assuring each of us the enjoyment of the freedoms of this great land.

Mr. President, I am not so sure that we could not start dumping garbage in Idaho. I am not so sure anymore because this bill proposes to deny the appeal to legal authority that has assured these rights to generations of Americans.

Mr. President, this bill denies due process and the rights of States to protect its citizens. It denies due process by legislating against legal injunctions against intrusive activity.

Mr. President, you, the occupant of the chair, are relatively new to this body, but you came with the reputation of being a legal scholar, really understanding the law. You are a graduate of one of the finest, if not the finest, law schools in America. You did very well there academically. I invite you to read this bill—you, as a person who understands the law and what the law is meant to be. This law stops the State of Nevada from going to court. How do you like that? That is what it does.

The sponsors say: Well, you will get your day in court sometime. Mr. President, I have tried about 100 jury trials. I always prided myself—when I talked to the jury, I said, ''You know, a lot of things have changed since we became a country. We no longer ride horses, we ride cars, which was something that people never thought about. We have airplanes, and we have gone to the Moon.'' I went through the process of how things have changed. But I said, ''You know, one thing has not changed since King John signed the Magna Carta in 1215. He gave those barons a right to a trial by a jury of their peers. That was carried across the ocean in the common law, and we have that right now—a trial by jury.''

I was very proud to be a lawyer and representing people who had problems that I thought I could help with. I also, on occasion, went to court for injunctive relief. Well, I say to those people who know a little bit about the law, read this bill. This changes the process of the legal system in our country. The bill says that you can sue, but you must wait a long time, and wait until there are a lot of actions that take place—in fact, until there is a done deal before you can even apply to court. It reverses the Nation's progress toward assuring our offspring a safe and nurturing environment. It does it by delaying assessments of environmental conferences until much of the groundwork, if not all of it, has been done. The sponsors will say, ''But we have not started construction yet.'' But the bill mandates land withdrawal, acquisitions of rights of way, and development of rail and roadway systems prior to the development of an environmental impact statement. That is an unusual theory of the law. Of course, the damage has already been done to the communities. Rights of way have been withdrawn. We have had Federal land withdrawals. We have had the development of rail and roadway systems prior to the development of an environmental impact statement.

These abuses of legislative power to relieve the nuclear power generating industry of its serious responsibility to manage and fund its business affairs are outrageous, Mr. President. They are outrageous, if not scandalous. It is more outrageous that this bill would mandate radioactive exposure risks to the people in Nevada—remember, we have millions and millions of visitors every year. It would mandate radioactive exposure risks for citizens far above that permissible in any other State—or foreign land, for that matter.

Did the sponsors single out Nevada residents for punishment? How can this bill be seen as equal protection of the law when it is so obviously not equitable, so clearly not protective of the Nevada residents? Do the sponsors think they know so much that they can decide what is OK for Nevada, but not OK for New Mexico? Why would the WIPP facility have a 15 millirem standard and Nevada have a 100 millirem standard?

If they think that they can decide what is OK for Nevada, how do they explain that the permissible exposure level at the generator sites is only one-fourth the level they say is OK for Nevada? The States in which this waste is generated and presently stored—remember, there is none generated in Nevada—and the businesses that profit from this generation say that their residents and employees have four times the protection they say is OK for Nevada.

I am trying to deal with this bill using the formal and really courteous traditions of this great institution. But, Mr. President, I am really upset. I am disgusted. I think this is wrong. I say that on behalf of the people of the State of Nevada. The people in Nevada are the first people whose health and safety, whose freedom to prosper and rights to equal protection under the law are being attacked by the nuclear power industry and the sponsors of this legislation. But they may not be the last to experience this kind of treatment by their own Government. If this bill is passed, it sets a dangerous precedent. The big utilities are in control here.

Interim storage. S. 1936 explores new regions of outlandish legislation by needlessly, and with great cost, requiring the establishment of a temporary interim storage facility. This interim storage facility is only a temporary facility, because it would be developed under S. 1936 at a site that does not meet the permanent repository requirements. So if Yucca Mountain is found unsuitable as a disposal site, under S. 1936 an interim storage facility would have to be developed somewhere else.

So, Mr. President, let us not play games here. In short, the reason for

this legislation is to do away with the permanent repository. That is what it is all about. They want to go on the cheap. They want to avoid all the environmental standards that have been set by law, and they want to shortcut it, because everyone knows that interim storage will be permanent storage. It will not be buried geologically. It will be dumped on top of the ground. But if it were only a Nevada problem and it would somehow miraculously appear in Nevada, I can understand why other States would not be concerned. But the fact of the matter is, Mr. President, this is not only the concern of Nevada. It is a concern of, and should be the concern of, States all over this country, because the nuclear waste will be transported all over this country.

We know that we have had a few train accidents lately. In the last 10 years, we have had over 26,000 train accidents. We average about 2,500 train accidents per year.

Mr. President, I am going to again look at this chart that shows how a lot of this activity is going to take place. Of course, we have a picture here of a train wreck which is all too familiar. We recently had one near the California border with Nevada, and the very, very heavily traveled freeway between Las Vegas and Los Angeles was actually closed because of a train wreck. The highway was about a mile from where the railroad wreck occurred, but the materials in the train were so caustic that they had to close the highway.

We have seen pictures of train accidents all too frequently. We also had one in Arizona that is believed by all authorities—local, State and Federal—to have been an act of terrorism. People are killed in these accidents, and tremendous property damage is done. We know of one train accident during this past year that burned for 4 days because of the materials.

I have talked about train accidents. That does not take into consideration the rail crossing accidents. Of course, in rail crossings, we know how many people are killed. We all have in our mind's eye the event that took place last year where the train took off the back of a school bus, killing those children.

Rail crossing accidents—during the past 10 years, we have had almost 61,000 train accidents, about 6,000 a year. We have hazardous material accidents averaging more than two a month on trains. We have hazardous material accidents averaging more than two a month.

So this is not a problem only of the State of Nevada. It is a problem of the people of this country, because the people of this country are going to be exposed to thousands of trainloads and truckloads—I should say, tens of thousands of trainloads and truckloads of the most poisonous substances known to man. Arizona: 6,100 truckloads, 783 trainloads. California: 44 truckloads, 1,242 trainloads.

The other interesting thing—we will talk about this later—is where trains go. Take through the Rocky Mountains. Colorado is a State that is going to be heavily impacted with trucks and trains; 1,347 trucks loaded, 180 trains.

I have never ridden a train through the Rocky Mountains in Colorado. That is something I would like to do. I understand it is a beautiful, very picturesque ride. But if an accident happens there like happened in California, where it wrecked over the river and dumped all of the chemicals into the river, it is very difficult to get to. It is very difficult to get accident crews in to take care of the trains or the truck. But not only do we have a problem with location, but we also know that there are no train people to take care of these accidents.

Interestingly, we just received an evaluation of emergency-response capability along the waste routes in Nevada. It would apply to any place in the United States.

A study was done to assist the Western Governors Association in planning for the onset of the U.S. Department of Energy's transuranic waste shipments to the WIPP facility in Carlsbad, NM. As a result of this, it was learned that there are some significant problems with transporting nuclear waste. Remember, the quantity of nuclear waste going to the WIPP facility pales in comparison to the waste that goes to these other waste facilities. Contractors surveyed personnel from fire departments, law enforcement officers, hospitals, ambulance services, emergency management offices, State, Federal, and travel agencies.

In short, in this report, which is entitled ''Evaluation of Emergency Response Capabilities Along Potential WIPP Waste Routes,'' prepared for the Western Governors Association, you find that there is no preparation. There are no people that are trained to take care of these potential accidents.

The study described four potential waste routes in detail, and it asked questions. Is the current level of training and equipment adequate for safety and to identify the hazard, isolate the scene, notify the authorities in incidents involving the WIPP shipments alone or in conjunction with other hazardous materials? The answer is ''No.''

Is there an emergency plan? Do these plans address the response to radiological incidents in local jurisdictions? The answer is ''No.''

Do respondents feel that they are able to handle radiological incidents? The answer is ''No.''

What other factors require emergency response near the jurisdiction? They list numerous factors.

Mr. President, this brings me back to the point that we addressed early on. Why are we doing this? Not only is it unnecessary to haul these truckloads of nuclear waste all over the United States, haul them partly in trains and ship them even farther, but why are we doing that, especially when we can avoid the potential for accidents by just leaving it on site, as we are told we should do? Why are we doing that? To satisfy a few big utility companies that are afraid they will be embarrassed because they have spent so much money on permanent geological storage. They are unwilling to let the process go forward to see what science will come up with. They want to short-circuit the system. They want to trample on the rights of people in Nevada and all over this country, and expose the people of this country to dangers that certainly are unnecessary.

Interim storage is not necessary. For now, let me deal simply with the fact that interim storage facility sites are not needed. We talked about it a little bit. We will talk about it some more.

In accordance with its charter, the Nuclear Waste Technical Review Board this year—I answered this question for the Senator from North Dakota earlier today. The one thing I failed to add for him is that the decision they made is not stagnant, not stale. The decision they made was made this year, 1996. They reported to Congress that it found ''no compelling safety or technical reason to accelerate the centralization of spent nuclear fuel. The board knows that of the more than 100 operating nuclear power reactors on 75 sites in 34 States, 23 will require additional storage by the year 1998.'' Twenty-three will require additional storage by 1998, and the Nuclear Waste Technical Review Board knows that. It may be the year 2000, but we can say 1998.

The board also notes that implementation of dry cask storage at generating sites is feasible and cheap. I told the Senator from North Dakota how inexpensive it is to set up a dry cask storage facility, and how cheap it is to monitor. In fact, the dry cask storage, if it is properly implemented on site, the investment will double its return by storing the material in certified, multipurpose transportation canisters so the material is ready for shipment once the permanent repository is designated. That could be in 5 years, 25 years, 50 years, or 100 years.

Operating costs for on-site dry cask storage amounts only to $1 million per year per site; capital costs for on-site storage in preparation of an replacement site and cannisterization of this spent fuel. Storing spent fuel in multipurpose canisters means that the marginal on-site capitalization costs only a few million dollars compared to more than $1 billion with interim storage. Implementing on-site storage at all sites claiming a need for additional storage space would require less than $60 million for capitalization and less than $30 million per year for open operations.

So on-site storage could be maintained for 40 years at least before equalling the construction costs of interim storage at Yucca Mountain as estimated by the sponsors of this bill.

Mr. President, the marginal expense of on-site storage of spent fuel is very

cheap when compared to the unnecessary and redundant transportation costs and risks of a premature interim storage facility.

Mr. BRYAN. Will the Senator yield for a question?

Mr. REID. I will be happy to yield to my colleague for a question.

Mr. BRYAN. The Senator may be aware of this. The Senator was making a very telling point, when the Senator was pointing out to our colleagues and to the listening audience in America, that 43 States are impacted and the number of shipments. The Senator may not be aware of the fact that as you look across this chart—here we have 50 million Americans who are within a mile of either the rail or highway shipment routes, so for people who are watching the floor of the Senate tonight who may think it is just the two Senators from Nevada that would be impacted by this, my question to the Senator is, this has a national impact, does it not?

Mr. REID. It certainly does. As the Senator has pointed out, within a mile of these routes are 50 million Americans.

Now, the Senator will recall—it happened within the past year, but I just mention it briefly—within a mile of the freeway between Los Angeles and Las Vegas a train wreck occurred. They closed that route. That wreck did not involve the most dangerous substance known to man. It had some cars loaded with chemicals, but it did not have nuclear waste.

It is difficult to imagine how long that road would have been blocked off had there been nuclear waste involved.

As I pointed out to the Senator and the rest of the people within the sound of my voice, we do not have people trained to deal with nuclear waste accidents. We do not have people trained to deal with nuclear waste at all as indicated by the report that I just received today on the ''Evaluation of the Emergency Response Capabilities Along Potential Waste Routes.''

Mr. BRYAN. I think the Senator's point is that in New York, with over 7 million people; in Los Angeles with over 5.5 million; Chicago, with 2.7 million; Houston, TX, 1.6 million; Dallas, over a million; San Antonio, nearly a million; Baltimore, 736,000; Jacksonville City, 635,000; Columbus, 632,000; Milwaukee, 628,000; the Nation's Capital, 606,000; El Paso, 515,000; Cleveland, 555,000; New Orleans, 496,000; Nashville-Davidson, 488,000; Denver, 467,000 people; Fort Worth, TX, 447,000; Portland, OR, 437,000; Kansas City, MO, 435,000; Tucson, 405,000; St. Louis, 396,000; Charlotte, NC, 396,000, and Atlanta, site of the Olympics, 394,000; Albuquerque, 384,000; Pittsburgh, 369,000; Sacramento, 369,000; Minneapolis, 368,000; Fresno, 354,000; Omaha, 335,000; Toledo, 332,000; Buffalo, 328,000; Santa Ana, CA, 293,000; Colorado Springs, 281,000; St. Paul, 272,000; Louisville, 269,000; Anaheim, 266,000; Birmingham, 265,000; Arlington, TX, 261,000; our own home city of Las Vegas, 258,000; Rochester, 231,000; Jersey City, 228,000; Riverside, CA, 226,000; Akron, 223,000; Baton Rouge, 219,000; Stockton, 210,000; Richmond, 203,000; Shreveport, 198,000; Mobile, 196,000; Des Moines, 193,000; Lakeland, FL, 188,000; Hialeah, 187,000; Montgomery, 186,000; Lubbock, 180,000; Glendale, CA, 180,000; Columbus City, 178,000; Little Rock, 175,000; Bakersfield, 174,000; Fort Wayne, IN, 173,000; Newport News, VA, 170,000; Worcester, MA, 169,000, and I could go on and on, but I believe the Senator's point, if I understand him—and this is my question—is that this is not just a fight that just concerns the citizens of Nevada?

What the Senator is suggesting, for those who may be watching the floor of the Senate tonight, is that it is not just two Nevada Senators who are fighting for the health and safety of their States, but there are people in these communities who do not think they have a stake in this fight who ought to be sharing their concerns with our colleagues and saying, look, we are affected, we are within a mile of these transportation routes and thousands of shipments of nuclear waste may be coming through our communities. I believe that is the Senator's point that he is trying to make, if I understand the Senator correctly.

Mr. REID. In answer to my friend's question, I was not aware of these numbers, but having had the Senator read them to me, I must say that, if anything, these numbers are small because we can look at Las Vegas as an example. If you look at Las Vegas, you will know that the greater Las Vegas area is about 2.1 million people and most of those people would be affected because it is down in that basin. If something happened, it would spread like wildfire, and I would bet the same applies to other cities. These are very conservative, very unrealistic numbers, and it would probably involve more than 50 million people.

I should also say in response to my friend's question, let us look, for example, at Chicago, 2,673,000 people. If I were a resident of the State of Illinois and particularly a resident of the city of Chicago, I would not want—they produce a lot of nuclear power in Illinois—I personally would not want this nuclear waste taken from where it is in Illinois.

I think it would be much safer, if I were a Chicago resident—I am going there at the convention this summer—it would be much safer for the people of Chicago if they put these materials in dry cask storage containers or leave them in the cooling ponds because, if they do not, they are going to have thousands and thousands of trainloads of nuclear waste being shipped right through that main railhead, which is Chicago—not only the Chicago nuclear waste, not only the Illinois nuclear waste, but nuclear waste from all over the eastern and southern parts of the United States. That is a main railhead just like Omaha, NE, is.

So I appreciate very much the question of my colleague from Nevada. It is very enlightening.

I ask unanimous consent that we have printed in the RECORD these cities with these very conservative, modest numbers. We, of course, for the RECORD will reduce this to letter size.

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

Major population centers affected by proposed nuclear transportation routes

City and State	*Population*
New York, NY	7,321,564
Los Angeles, CA	3,485,398
Chicago, IL	2,783,726
Houston, TX	1,630,672
Dallas, TX	1,006,831
San Antonio, TX	935,927
Baltimore, MD	736,014
Jacksonville City, FL	635,230
Columbus, OH	632,258
Milwaukee, WI	628,088
Washington, DC	606,900
El Paso, TX	515,342
Cleveland, OH	505,616
New Orleans, LA	496,938
Nashville-Davidson, TN	488,518
Denver, CO	467,610
Fort Worth, TX	447,619
Portland, OR	437,398
Kansas City, MO	433,141
Tucson, AZ	405,390
St. Louis, MO	396,685
Charlotte, NC	396,003
Atlanta, GA	394,017
Albuquerque, NM	384,736
Pittsburgh, PA	389,870
Sacramento, CA	369,365
Minneapolis, MN	368,383
Fresno, CA	354,202
Omaha, NE	335,795
Toledo, OH	332,943
Buffalo, NY	328,123
Santa Ana, CA	293,742
Colorado Springs, CO	281,140
St. Paul, MN	272,235
Louisville, KY	269,157
Anaheim, CA	266,406
Birmingham, AL	265,852
Arlington, TX	261,763
Las Vegas, NV	758,295
Rochester, NY	231,636
Jersey City, NJ	228,537
Riverside, CA	226,505
Akron, OH	223,019
Baton Rouge, LA	219,531
Stockton, CA	210,943
Richmond, VA	203,056
Shreveport, LA	198,528
Mobile, AL	196,278
Des Moines, IA	193,187
Lincoln, NE	191,973
Hialeah, FL	188,004
Montgomery, AL	187,106
Lubbock, TX	186,281
Glendale, CA	180,038
Columbus City, CA	178,701
Little Rock, AR	175,781
Bakersfield, CA	174,820
Fort Wayne, IN	173,072
Newport News, VA	170,043
Knoxville, TN	165,121
Modesto, CA	164,730
San Bernardino, CA	164,164
Syracuse, NY	163,860
Salt Lake City, UT	159,936
Huntsville, AL	159,866
Amarillo, TX	157,615
Springfield, MA	156,983
Chattanooga, TN	152,488
Kansas City, KS	149,768
Metairie, LA	149,428
Fort Lauderdale, FL	149,377
Oxnard, CA	142,192

City and State	Population
Hartford, CT	139,739
Reno, NV	133,850
Hampton, VA	133,793
Ontanio, CA	133,179
Pomona, CA	131,723
Lansing, MI	127,321
East Los Angeles, CA	126,379
Evansville, IN	126,272
Tallahassee, FL	124,773
Paradise, NV	124,682
Hollywood, FL	121,697
Topeka, KS	119,883
Gary, IN	116,646
Beaumont, TX	114,323
Fullerton, CA	114,144
Santa Rosa, CA	113,313
Eugene, OR	112,669
Independence, MO	112,301
Overland Park, KS	111,790
Alexandria, VA	111,183
Orange, CA	110,658
Santa Clarita, CA	110,642
Irvine, CA	110,330
Cedar Rapids, IA	108,751
Erie, PA	108,718
Salem, OR	107,786
Citrus Heights, CA	107,439
Abilene, TX	106,665
Macon, GA	106,640
South Bend, IN	105,536
Springfield, IL	105,227
Thousand Oaks, CA	104,352
Waco, TX	103,590
Lowell, MA	103,439
Mesquite, TX	101,484
Simi Valley, CA	100,217

Mr. BRYAN. A further question of the Senator, if the Senator will yield.

Mr. REID. I will be happy to yield for a question from my friend.

Mr. BRYAN. I think the Senator's point was that the population numbers that I read of part of those cities represents the corporate city limits, and I believe the Senator's point, if I understood him correctly, is that each of these communities are part of a metropolitan area. As the Senator pointed out, in our hometown of Las Vegas, there are roughly a million people in the metropolitan area who would be directly and adversely impacted by a rail or highway accident. Yet, Las Vegas is listed for purposes of population as 258,000. I believe, if I understood the Senator's point, in addition to the population indicated here, there are suburban communities that would be populated as well, perhaps even greater.

Mr. REID. The Senator's question is appropriate, pertinent, and in fact very enlightening. The city of Las Vegas is part of a metropolitan area, and it is just like most areas in the United States. You have a city surrounded by suburbs, and that is, in effect, what we have in Las Vegas. Of course, the numbers that were brought forth by my colleague from Nevada are staggering even if you do not take into consideration the fact that these are only the incorporated areas.

If you elaborate on that and indicate that the population of nearly every place we talked about is much greater than almost every place we talked about on the chart, it involves more than 50 million people. The example we talked about, with Chicago, is certainly in point. Chicago would not only be responsible for, in effect, gathering up its nuclear waste and transporting it, but they would be responsible also, being the major railhead that it is, for other people's nuclear waste. The people of Illinois should tell the nuclear power industry, ''Don't do us any favors. Leave it here. You will not only save the ratepayers and taxpayers huge amounts of money, but it will be safer to leave it where it is either in the cooling ponds or in the dry cask storage containers.''

There is simply no need, certainly no compelling need, to rush to a centralized interim storage before a permanent repository site has been designated.

I say again, the statement I just made is not a statement developed by the Governor of the State of Nevada or the Nevada State Legislature or the Chamber of Commerce of Las Vegas. In accordance with its charter, the Nuclear Waste Technical Review Board just this year reported to the Congress that it ''found no compelling safety or technical reason to accelerate the centralization of spent nuclear fuel.'' In effect what they are saying is give the process an opportunity to work.

I said before and I will say again, the President has stated he will veto this bill since it would designate interim storage at a specific site before the viability of a permanent repository has been determined. Both the Department of Energy and the Environmental Protection Agency have taken strong positions in opposition to this bill.

Here we are at 6 o'clock at night. It is Wednesday. At my home in the suburbs here it is garbage night, which I will miss—taking the garbage out. We should be debating welfare reform or the 12 appropriations bills. We should be talking about matters that need to be addressed. We should not be wasting time on a bill the President has said he is going to veto. The Secretary of the Department of Energy said she does not like it. The director of the Environmental Protection Agency, the Director of that has stated she is opposed to it.

As the administration points out, personally through the President of the United States and through its agency heads and Cabinet-level officers, they have a plan which is making significant progress and provides appropriate protection to the environment of our citizens. The President of the United States, the first time I ever met the man—Senator BRYAN who was Governor then, was with him and knew him, I did not know the man—he was running for President 4 years or so ago. I met him at National Airport. Four years ago one of the issues we talked about—we only talked about two or three issues. We had a 40-minute meeting with him. He was very busy, but he gave us 40 minutes—was nuclear waste. As we told him at the time it is a very important issue for the State of Nevada. We told him then the scientific community had almost perfected a dry cask storage container, and that we wanted him to take a look at that, as far as storage goes. He told us at the time: We have nuclear waste in the State of Arkansas. I understand what you are trying to do. I think it is a good idea. And he has never wavered from that. This is an issue he understands. This is not something he suddenly decided that he wanted to do because Nevada was important in a Presidential election. The President of the United States has been with us from the first time I met him. He has been with us this whole time.

The President of the United States has not said I am opposed to permanent storage in Nevada. He has not said that. But what he has said, unequivocally, without hesitation, to anyone who will listen, is it is unfair what you are trying to do to Nevada with bills like S. 1936. Do not do it. Because if you do, I will veto it. And he should. But we are wasting our time here at 6 o'clock at night when we should be doing important amendments on the defense appropriations bill. I am a member of the Appropriations Committee.

My colleagues have to understand that we are protecting our rights, the rights of the people of the State of Nevada and the rights of the people of this country. It is wrong what is being done. It is being driven by big business, and it is wrong. If there were ever a time that the rules of the U.S. Senate become important, to me it is when you are trying to protect the interests of the people of the State of Nevada. I am doing no more than what the Presiding Officer of this body would do. I am doing no more than what any Senator from these United States would do.

It would be as if there was legislation offered in the State of Maryland to do away with Chesapeake Bay. It would be like telling the States that surround the Great Lakes: We are going to take one of the lakes away from you. Would you fight? Sure you would fight. You would use all the rules at your disposal, and we are going to do that.

I expect the two Senators from Idaho, if they were suddenly told that we were going to start hauling thousands of tons of garbage into their State—I would think they should have some rights, minimal rights, the rights equal to other States in this Nation, that we should not allow garbage to be dumped in Idaho. That is what we are doing here to Nevada.

We are saying: In Nevada, you are not only going to get permanent repository, you are going to get a temporary repository and the temporary repository is worse than the permanent because we are setting the safety standards so low, and the exposure levels so high.

The President stated he will veto the bill. He is doing the right thing. Technical review boards, commissioned by the Government, have consistently found there is no immediate or anticipated risk with continuing dry cask

storage for several decades. What I am saying is there is no reason for this legislation. The administration acknowledges that. The technical review bodies have also found the environmental and safety standards should be retained or strengthened, rather than weakened as this bill calls for.

Mr. BRYAN. Will the Senator yield for a question?

Mr. REID. I will be happy to yield for a question from my friend.

Mr. BRYAN. The Senator just made the point there is really no need for this legislation. I call to the attention of the Senator, and I ask him if he recalls that in the CONGRESSIONAL RECORD on July 28, 1980, in the context of a debate on the away-from-reactor proposal, a statement was made on the floor by one of our colleagues that this bill—referring to this away-from-reactor storage, which is a progenitor, if you will, of this temporary storage facility that we are dealing with in our discussion this evening—it was said, the date again, July 28, 1980:

This bill deals comprehensively with the problem of civilian nuclear waste. It is an urgent problem, Mr. President, for this Nation. It is urgent first because we are running out of reactor space at reactors for the storage of the fuel and if we do not build what we call away-from-reactor storage and begin that soon, we could begin shutting down civilian nuclear reactors in this country as soon as 1983.

Mr. REID. Could I ask my friend to repeat the date of that CONGRESSIONAL RECORD?

Mr. BRYAN. Responding to my colleague, this is kind of a deja vu. This is in the CONGRESSIONAL RECORD, on July 28, 1980. That is almost 16 years ago, in which, on the floor of the Senate it was asserted that, if this particular legislation, this away-from-reactor storage was not obtained, that by 1983—that is 13 years ago—that civilian nuclear reactors in this country would shut down.

I do not know if my colleague from Nevada is aware of this but, upon my propounding the question to him—was he aware that among those utilities that were claiming they would be shut down was Alabama Power Co., the J. Farly Reactor, Arkansas Power & Light Co., Arkansas Nuclear 1 and 2, Boston Edison Co., Pilgrim 1, Carolina Power & Light Co., Brunswick 1, Brunswick 2, Robinson 2, Cincinnati Gas & Electric Co., Zimmer No. 1, Commonwealth Edison Co., La Salle 1 and 2, Consumers' Dairy Co., Palisades, Duke Power Co., Maguire No. 1, Maguire No. 2, Okonee No. 1, Okonee 2 and 3; Florida Power & Light, St. Lucy 1, St. Lucy 2, Turkey Point 3, Turkey Point 4, General Public Utilities, Oyster Creek, Northeast Nuclear Energy Co., Millstone 1, Millstone 2, Northern States Power Co., Monticello, Omaha Power District, Fort Calhoun, Power Authority of the State of New York, J.A. Fitzpatric, Indian Point No. 3, Philadelphia Electric Co., Peach Bottom 2 and 3, Rochester Gas and Electric, R.E. Genna facility, Virginia Electric & Power Co., North Anna No. 1, North Anna No. 2, Surrey 1, Surrey 2, and the Vermont Yankee Nuclear Power Co., Vermont Yankee.

I ask unanimous consent the material from the CONGRESSIONAL RECORD of 1980 be printed in today's CONGRESSIONAL RECORD.

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

EXCERPT FROM THE CONGRESSIONAL RECORD, JULY 28, 1980

Mr. JOHNSTON. Mr. President, I yield myself 15 minutes.

Mr. President, this bill deals comprehensively with the problem of civilian nuclear waste. It is an urgent problem. Mr. President, for this Nation. It is urgent, first, because we are running out of reactor space at reactors for the storage of the fuel, and if we do not build what we call away-from-reactor storage and begin that soon, we could begin shutting down civilian nuclear reactors in this country as soon as 1983, those predictions coming from the Nuclear Regulatory Commission and the Department of Energy.

It is essential that we set a predictable policy for utilities to operate on so that they know if they begin either to run a reactor, or if they are making a decision now as to whether to build one, that they have some policy to which they can refer that is predictable and certain for the United States.

Mr. BRYAN. My question is that we were told in 1980 that if that away-from-reactor legislation that was on the floor being debated on July 28 was not enacted, that these utilities would have to close by 1983.

My question to the Senator is, Is he aware of any of these facilities ever closing as a result of the lack of storage, as was suggested to us, in the crisis-ridden prediction?

Mr. REID. I say to my friend in response to the question, I had forgotten about this. I appreciate very much the Senator bringing it to my attention.

The Senator knows during the past 10 years, we have heard in this body, and other places, dire pleas for emergency help; that you have to do something tomorrow. These are the perennial crying-wolf stories.

That is why the technical review boards have said, ''Cool it.'' I guess they are saying leave it in the coolers, leave it in the cooling ponds. There is no reason to rush into this. The technical review boards commissioned by the Government consistently found there is no immediate reason for continuing with these continual cries for help. They are saying, slow down. There is no need or excuse for this bill. It threatens the health and safety of all Americans and is a reckless and unnecessary expense.

Mr. President, the sponsors of this bill say one thing, and what I say to them is, if you really think there is a need for interim storage in the near term, then let's put this bill in committee and have a good hearing and try to make a determination why we are doing this. There is no reason for it. It is not fair, and certainly if you are going to do this on a fair basis to find the best site, we should remove from this legislation the site specificity. We must restore the environmental and safety provisions of the current law. We must observe the same rights of Nevada residents to health and prosperity as the citizens of any other State, and we must be assured that a search for a permanent solution is not sidetracked by short-term business or political agenda.

We have talked several times today about the transportation risks, and they are significant. One of the greatest risks of this bill is that it will force vast amounts of dangerous nuclear waste to be transported cross country. But it is unnecessary, and it is certainly premature. If this is to be done, should we not wait until the permanent repository is completed?

In the past, we have had roughly 100 shipments per year of nuclear waste, and most of these shipments were relatively short hauls in the East between nuclear power plants and reprocessing facilities. This bill will increase the shipment rate into thousands and thousands of shipments per year and send them on cross-country journeys through routes in our most populated cities in America. The pressure to start shipments as soon as possible and to move as much as possible can only increase the risk of an accident. Safety last rather than safety first is the hallmark of this bill.

Mr. President, we have here a map that shows the routes the nuclear waste will travel. I ask those who are looking at this map, are any of these routes in your backyard? Are any of these routes in cities where your family lives or your kid is going to college? If it is, you should be concerned.

Most of the waste, of course, is produced in the Eastern part of the United States. Is it not interesting that we are going to ship the waste 3,000 miles, in some instances, for no reason? If you live in the heartland of America, ask, why should all the Eastern nuclear waste be shipped through your State, perhaps your town, when we do not yet know where the final repository will be?

If you live in Wyoming, Utah, or Colorado, you should note that you are on the main line for these shipments. S. 1936 mandates shipment of nuclear waste crosscountry by 1999, regardless of technical problems or risks involved.

There is no need for these shipments at this time. There may never be a need for these shipments. If and when they are needed, we should take our time to do it right and not force this issue as it is being done today.

The industry and the sponsors of this bill would like you to believe that this transportation is risk free. Well, it is not. There have been truck and train accidents involving nuclear waste, and there will continue to be accidents involving nuclear waste and other hazardous substances.

I am reminded of a friend of mine who I went to high school with. He was a police officer in a town in east-central Nevada, a town called Ely,

E-l-y. Kennecott had a big mine there at one time. He was, as I indicated, a police officer, and he told me:

> Harry, one of the things that I do that gives me as much concern as anything else is we get notices every day of hazardous substances that are being driven through our town.

He said:

> It would be better if they didn't even tell us about it, because if something happened with one of those vehicles with the hazardous substance in it, there is nothing we can do about it anyway. We have no equipment. None of our personnel, police or fire, are trained to handle these hazardous substances. Our equipment is certainly inadequate.

Multiply this thousands and thousands of times all over America. We are going to ship nuclear waste on trucks and trains. There will be accidents. There have been accidents. We have already had seven nuclear waste accidents. They have not been significantly harmful, but there have been accidents.

The industry and the sponsors of this bill, as I have indicated, would have you believe, would like you to believe that this transportation is risk free. Well, it is not. There have been truck and train accidents involving nuclear waste, and there will continue to be accidents involving nuclear waste. There will be many more accidents because there will be many more shipments.

The industry and the sponsors of this bill will tell you that the probability of an accident resulting in a large radioactive release is very small; that, in fact, we have never had a significant release. Well, probabilities have inevitable results, that if you push them long and hard enough, the adverse outcome will occur.

The day before Chernobyl, the probability of such an accident was very, very low. But the day after the accident, the consequences were enormous, and the probabilities of other such accidents increased significantly.

Mr. President, there are a number of us who have been concerned about the safety and reliability of our nuclear arsenal. In working on these issues, I came to realize that there have been numerous accidents involving nuclear weapons. We have been so fortunate. We have been so lucky that there has not been death and destruction as a result of those accidents. In North Dakota, a B–52 caught fire loaded with nuclear weapons. The wind usually blew in one direction, but during the course of this fire on the airplane, it blew in the other direction and, as a result of that, there was no danger as a result of nuclear weaponry.

We know that there has been an accident in Canada of an airplane with nuclear weapons on it. Again, it was found and everything worked out fine. But these accidents will happen. The day before Chernobyl, the probability of such an accident was very low. But the accident happened. And the consequences were enormous. The same potential exists here.

Mr. President, again, I would like to draw your attention to the chart that shows the number of trucks and trains that will be used to transport this very high-level nuclear waste. I, of course, highlighted the States with the biggest risks. It is in bold print: Illinois, Nebraska, Nevada, Utah, and Wyoming. There are others that are close to that. But I just highlighted those.

It is significant, because we are talking about over 12,000 shipments through Illinois alone; over 11,000 shipments through Nebraska and Wyoming; over 14,000 through Utah; over 15,000 for Nevada. These are some of the States.

As I have indicated, we have already had seven nuclear waste transportation accidents. The average has been 1 accident for every 300 shipments of nuclear waste. Well, we do not know for sure how many new trains and trucks will be required because of S. 1936. But we know it will be magnified significantly. So we can expect at least 150 or 200 accidents if this S. 1936 is implemented.

Where will the accidents take place? Omaha? Chicago? New York? Atlanta? I do not know. No one knows, just like no one knew that this inferno would occur at Chernobyl. We should not be ready to take that risk, because it is unnecessary. Why would we want to take the risk? To help the nuclear industry reduce its costs and risk exposure? It is a tautology that accidents are unpredictable; but that an accident will happen is certain.

Based on studies done for the Nuclear Regulatory Commission, at least one serious radioactive accident with leakage and contamination will happen sometime, somewhere along the transportation route. That is a very modest estimate. We cannot know where it will happen before it happens. We cannot know when it will happen before it happens.

So, Mr. President, today we could not respond effectively or rapidly to accident sites because we have not taken the time, the trouble or gone to the expense to equip and train emergency responders along the routes that the waste will take. We have not made the investments necessary to assure capable response to remote, inaccessible areas where the accidents could happen.

Mr. President, we simply could not respond. But how long would it take to get trained and equipped emergency crews to a railway accident site somewhere in the mountains, like the Rocky Mountains I talked about earlier, like the Sierra Nevada Mountains between California and Nevada? What about the Wasatch Range in Utah? What about the mountains of Arizona? It makes a big difference how well and how rapidly we can respond. Let me give some illustrations.

The Nuclear Regulatory Commission requires that transportation containers survive a 30-minute exposure to a fire environment of 1,475 degrees Fahrenheit temperature. Sounds very strong and protective—30-minute exposure to a fire environment of 1,475 degrees.

Yet diesel fuel fire temperatures can exceed 3,200 degrees and their average temperatures are about 1,800 degrees Fahrenheit. So a diesel fuel fire—and most trucks use diesel fuel, most trains use diesel fuel—the average temperature of a diesel fuel fire is 1,800 degrees, 325 degrees higher than what the Nuclear Regulatory Commission requires these containers to survive. And these are exposed for only 30 minutes.

I indicated earlier today we all read in the newspaper about a fire that occurred on a train this year that lasted 4 days, not 30 minutes, but 4 days. One recent train wreck, as I have indicated, burned with its hazardous chemical cargo for 4 days. The firefighters could not even get access to the wreck for 4 days. It was so hot, so caustic that they could not get close to it for 4 days.

Transportation canisters are meant to contain the waste material in fires or collisions. The nuclear regulatory certification requirements for thermal survivability are no guarantee against fire-disbursed radioactive debris. The collision survival criteria appear just as inadequate.

We have talked about the fire exposure. We know that for a diesel fire—these are all diesel trucks here—the average temperature of a fire in a diesel vehicle is 325 degrees higher than what the Nuclear Regulatory Commission has set.

That is for fire. What about collisions? The collision survival criteria appear just as inadequate. The Nuclear Regulatory Commission requires that a canister survive a 30-mile-per-hour collision. I was driving this weekend in Las Vegas, from Boulder City to Las Vegas, on an expressway. I was going 75 miles an hour, and I was passed by two heavily loaded trucks, big semis. I was going 75. They were going 80. I say to my friend from Nevada—he knows the area—as you are coming down Henderson, going toward the Henderson plants, that downhill grade there, trucks were going 80 miles an hour. They passed me. I remember it because it was frightening.

The NRC has set these canisters to survive a collision at 30 miles per hour. I do not know of many trucks that go 30 miles an hour. The collisions are going to take place at much higher speeds than that most of the time.

The NRC also requires that the 30-mile-per-hour collision be with a rigid flat surface. Most collisions are not going to be with a rigid flat surface. It is going to be with a pile of rocks alongside the road, going to be hitting another truck, another car. So that is why it is beyond the ability to comprehend why you would want to move these poisonous, spent fuel rods from where they are now located so that they are exposed potentially to fire or potentially to collisions.

My question I ask to the world is, Would it not be much safer to leave them on-site in these dry cask storage containers than to take the uncertain

route in a train or truck, knowing that there is going to be an accident, only wondering when and where it will occur? Well, I ask the world, but the world must respond that the only logical thing to do is to leave it where it is—leave it where it is. By leaving it where it is, you avoid totally the danger of an accident. You also avoid not only the fire but the collision. I say ''also,'' Mr. President.

One of the things I have not talked about that we should be doing here, we should be clearing judges. We have 23 judges that should be cleared. We have not cleared a single one of them. The last year that we were in power, the Democrats were in power, we cleared 60-some-odd judges. We have not cleared a single judge this year. There are 23 that need to be cleared.

While we are talking about the court, I see the Presiding Officer here, one of the things we need to get done is to get a study of the circuits so we can make determinations on how we should realign the circuits. Anyone that has practiced law in the Federal court system knows we probably need to do some realigning of the Federal appeals court. We should get that done. I hope we can get it done right away so that the questions that have been raised by the Senator from Montana, the junior Senator from Montana and others, about some of the appellate courts, we can get those resolved. That is one thing we can do.

There is no good reason that we cannot leave the nuclear waste where it is to avoid collisions, to avoid fires.

Certainly, what we should be doing is talking about welfare reform. I see walking off the floor the junior Senator from Louisiana who has spent weeks of his time, weeks of his time working on welfare reform. As a result of the work that he and Senator MIKULSKI did, we came up with a proposal here that we passed by over 80 votes. It went to conference, fell apart, was vetoed. I hope we would use his good work in building another welfare reform bill.

Many Senators are concerned about judges, whether there should be approval of judges. I hope we can do that, rather than wasting our time on a bill the President has said he will veto.

I repeat, the Nuclear Regulatory Commission has said if there is a fire, one of these canisters must withstand temperatures of 1475 degrees; diesel, when it burns, is 1800 degrees. We know, also, that collisions are survivable under the Nuclear Regulatory Commission standards only at 30 miles an hour. That is inadequate. We do not need to expose these canisters to collisions or to fire. All we need to do is put dry cask storage containers on site, and as a result of doing that, we could avoid all the concerns that the Nuclear Regulatory Commission has.

As we know, most accidents will exceed the criteria set by the Nuclear Regulatory Commission on highway and rail accidents. The NRC certification requirement for spent-fuel transportation containers are not insurance against the consequences of a remote inaccessible accident, but the consequence of an accident will not observe the boundaries of the accident. Just because the accident might be remote is no basis for comfort. Radioactive waste will burn and disperse many tens of miles that will contaminate far distant territory.

So, along the transportation routes, within a mile, include at least 50 million residents being at risk. Are we going to warn this at-risk population to stay tuned to some emergency frequency just in case something unexpected happens? If we do that, what are we going to tell them to do if an accident does happen?

Mr. President, as my colleague pointed out, and the chart has been printed in the RECORD, at least 50 million people are within a mile of the routes that we have pointed out time and time again today, the train travels and the truck travels. Are we going to warn this at-risk population to stay tuned to some emergency frequency just in case something unexpected happens? If we do that, what are we going to tell them to do if an accident does happen? Who will help? We do not have people trained. When will they get help? We do not know. Who will be liable?

The term Mobile Chernobyl has been coined for this legislation. That is what it is. ''Mobile Chernobyl'' has been coined for S. 1936. A trainload of waste may not contain the potential for disaster that Chernobyl supplied, but the result will be little different for those affected by this inevitable accident.

Mr. President, I submit that we are not prepared to implement the transportation of this hazardous material—not today and not tomorrow. The risk is real, and we are responsible for assuring readiness and preparation to reduce it to minimal levels for both probability and consequence. It does not make sense to double that risk by premature and unnecessary transportation to an interim storage site that has not been determined to be the final disposition site.

Mr. President, one thing we need to talk about is terrorism, vandalism, and protests generally. There are unforeseeable accidents, but accidents are only one kind of a problem that we may be dealing with. Much has been spoken of America's vulnerability to both domestic and foreign terrorist attacks.

It saddens me, Mr. President, to agree that some of America's enemies today are not people from outside its borders but American citizens. Misguided they may be, enemies they certainly are. We know from this past weekend in Arizona, a sister State to Nevada, a large group of terrorists were arrested. They were luckily infiltrated by some patriotic person. There were films of explosions that they set, conversations of how they would kill anyone that turned against them. They are out there.

There are vipers all over, Mr. President. There are also known foreign enemies of America, and the values that America stands for they do not like. There are known foreign enemies of America in our open society, which is our national heritage and the essence of America. We cannot deny our enemies many of the same freedoms we enjoy ourselves.

There are, as well, many foreign interests, some clandestine, that will want to promote and publicize their existence and goals through outrageous acts of blatant terrorism and destruction. We know that they occur not only in Saudi Arabia but in Oklahoma City, New York City, and even in the city of Reno, NV, where we had, recently, an act of terrorism that failed. They tried to blow up the Internal Revenue building. The bomb was a dud.

Terrorists have had, on a smaller scale, success in Nevada, blowing the roof off of a BLM building. They twice attacked a forest ranger, once blowing up the office, another time blowing up a device in his driveway at his home.

There are evil people in America, Mr. President. I do not say that with pride, but it is a fact. What better stage could be set for these enemies than a trainload or a truckload of the most hazardous substance known to man, clearly and predictably moving through our free and open society.

We face a fraction of this kind of risk every day in our cities, at our airports, and around our centers of local, State and Federal governments. But the opportunity to inflict widespread contamination, terror, and horror, to engender real health risks to millions of Americans, to encumber our treasury with hundreds of millions of dollars in cleanup costs, to further reduce the confidence of all Americans in our treasured freedoms will be irresistible to our enemies.

Why would we want to transport nuclear waste when we do not have to? I go back to what has been stated time and time again, Mr. President, by the people that we have assigned to determine what should be done with nuclear waste—that is, the technical review board, which has said consistently that there is no immediate or anticipated risk in continuing using either cooling ponds or dry cask storage containers on-site. So there is no need to do that.

Mr. President, we have had a number of problems in America in the last few years that we are not proud of in dealing with terrorists. We look for ways to avoid terrorist activity. Some of it is somewhat painful, like closing off Pennsylvania Avenue and closing off the ways into the Capitol Building. I consented to that, even though I did not have a lot of control over it.

When I was chairman of the Legislative Branch Appropriations Committee, Senator FORD, and others who serve on the Rules Committee, indicated that was the right thing to do. So

I went out of my way to make sure that the Capitol Police had enough money to do the things that it would require because of these terrorist activities in our Nation's Capital. Why do we not avoid those activities even more? We can do that, Mr. President. We can do it by simply not hauling nuclear waste. Just do what the technical review board said we should do and leave it on-site. We avoid all these problems.

We must prepare for such realities as terrorism, vandalism, and protests. We must prepare for such realities that accompany the massive transportation campaign that will be required to consolidate nuclear waste at a repository site. They do not want to be bothered by reality. They ask that we not confuse them with facts. The old saying is that ''haste makes waste.''

That takes on a whole new dimension in the context of S. 1936, because the waste that we are talking about is the most poisonous substance known to man. Mr. President, we also, of course, must be concerned about vandalism, such as graffiti sprayed on walls, and windows knocked out of buildings, and buildings that are completely destroyed for no good reason. ''Vandalism'' is a word that came as a result of the invasion of the Vandals. They came and destroyed for no good reason. They destroyed just to be destroying.

Protests. In Nevada, it has become very standard that we have people who come there to protest. They come there to protest at the Nevada Test Site. Some of them protest because they think there are aliens out there, secret storage facilities for aliens from outer space. We have people that come there and protest because they believe at the test site they are doing things dealing with atomic devices, which they should not be doing. They lay down in the streets. They stop people from coming to and going from work. They are going to do the same with transporting nuclear waste. There is no reason that we should give these people the opportunity to cause mischief. I am not saying that the people who believe that there are alien test sites are mischievous. I am sure they believe they are there. I am sure they are people of good will, who picket the test site and do those kinds of things.

But I say, why should we allow terrorism activity to take place? Why should we allow the opportunity for vandals at these nuclear storage facilities transportation when it is unnecessary? Why would we want to do that? Why do we need the protests? Why do we not simply leave the spent fuel on-site, where the technical review board said it should be left until we get a permanent repository or determine there cannot be one, which is not very likely.

We have talked about the exposure risks a little bit. But S. 1936 will certainly gut our environmental laws and expose Americans to unreasonable risks. S. 1936 removes the Environmental Protection Agency's authority to set environmental standards. This runs directly counter to the recommendations of the National Academy of Sciences' recommendations, which were asked for by Congress. S. 1936 mandates a radiation exposure safety limit that is inconsistent.

Mr. President, I will yield to the two leaders, who are on the floor. I ask that until some agreement is reached, I not lose my opportunity to maintain the floor.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The majority leader.

ORDER OF PROCEDURE

Mr. LOTT. Mr. President, it is our intention at this point to ask unanimous consent with regard to the Executive Calendar and then have a closing script, which would involve us closing up for tonight. We would come in in the morning at 9 and have morning business which, I believe, was requested by the Democratic leader, equally divided between 9 and 10. And then at 10 we would go to the Department of Defense appropriations bill.

I know how seriously the two Senators from Nevada feel about this issue. I appreciate them letting me intervene at this point. I look forward to working with them later as we go along.

Mr. REID. Reserving the right to object, it is my understanding that this is wrap-up, and there is going to be no more after we finish here.

Mr. LOTT. That is right.

Mr. REID. I thank the majority leader.

MORNING BUSINESS

FOREIGN OIL CONSUMED BY THE U.S.? HERE'S WEEKLY BOX SCORE

Mr. HELMS. Mr. President, the American Petroleum Institute reports that for the week ending July 5, the U.S. imported 8,000,000 barrels of oil each day, 1,500,000 barrels more than the 6,500,000 barrels imported during the same week a year ago.

Americans relied on foreign oil for 55 percent of their needs last week, and there are no signs that this upward spiral will abate. Before the Persian Gulf war, the United States obtained about 45 percent of its oil supply from foreign countries. During the Arab oil embargo in the 1970's, foreign oil accounted for only 35 percent of America's oil supply.

Anybody else interested in restoring domestic production of oil—by U.S. producers using American workers? Shouldn't more attention be paid to this perilous situation in light of the June 25 bombing which killed 19 American servicemen in Saudi Arabia? American troops are in Saudi Arabia to protect United States petroleum interests.

Politicians had better ponder the economic calamity sure to occur in America if and when foreign producers shut off our supply—or double the already enormous cost of imported oil flowing into the U.S.—now 8,000,000 barrels a day.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, July 9, 1996, the Federal debt stood at $5,151,106,744,723.87.

On a per capita basis, every man, woman, and child in America owes $19,419.07 as his or her share of that debt.

SUSTAINABLE FISHERIES ACT

Mr. PRESSLER. Mr. President, on March 28, 1996, the Committee on Commerce, Science, and Transportation reported S. 39, the Sustainable Fisheries Act. A report on the bill was filed on May 23, 1996. At that time, the committee was unable to provide a cost estimate for the bill from the Congressional Budget Office. On July 8, 1996, the accompanying letter was received from the Congressional Budget Office, and I now make it available to the Senate. I ask unanimous consent that the letter from CBO be printed in the RECORD.

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

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 8, 1996.

Hon. LARRY PRESSLER,
Chairman, Committee on Commerce, Science, and Transportation, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 39, the Sustainable Fisheries Act.

Enactment of S. 39 would affect direct spending and receipts. Therefore, pay-as-you-go procedures would apply to the bill. S. 39 contains several new private-sector mandates (see the enclosed mandates statement), but it does not contain any intergovernmental mandates as defined in Public Law 104–4.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

JAMES L. BLUM
(For June E. O'Neill).

Enclosures.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

1. Bill number: S. 39.

2. Bill title: The Sustainable Fisheries Act.

3. Bill status: As reported by the Senate Committee on Commerce, Science, and Transportation on May 23, 1996.

4. Bill purpose: S. 39 would amend the Magnuson Fishery Conservation and Management Act (the Magnuson Act), which governs federal regulation of commercial and recreational fishing within the exclusive economic zone (EEZ) of the United States. The bill also would amend other marine fishery and maritime laws including the Anadromous Fisheries Act, the Interjurisdictional Fisheries Act, the Fish and Wildlife Act of 1956, the Atlantic Coastal Cooperative Management Act, the Merchant Marine Act, and the Saltonstall-Kennedy Act. Programs authorized under these acts are managed locally by eight regional fishery councils and

at the national level by the National Oceanic and Atmospheric Administration (NOAA).

Program authorizations

S. 39 would authorize funding through fiscal year 2000 for fisheries conservation and management, information collection and analysis, and state/industry assistance programs. Other provisions of the will would:

Reauthorize the Fishing Vessel Obligation Guarantee (FVOG) program and provide for guarantees of up to $40 million in loans annually;

Expand the FVOG program to allow refinancing of fishing vessel loans during a fishery recovery effort;

Authorize appropriations of such sums as may be necessary to rebuild failed commercial fisheries and mitigate losses of participants in such fisheries;

Make fishing observers federal employees for the purpose of compensation for work injuries under the Federal Employee Compensation Act; and

Increase NOAA's flexibility in providing grants to commercial fishermen who have suffered uninsured losses as a direct result of a natural disaster.

Revenues and fees

The bill also would establish a number of new fees and would affect revenues from existing fees. Major provisions would:

Direct the Secretary of Commerce (hereafter referred to as the Secretary) to collect a 3 percent fee on the annual ex-vessel (dockside) value of fish harvested under any individual fishing quota (IFQ) or community development quota (CDQ) program;

Direct the Secretary to collect fees on foreign vessels that transport fish products from points within U.S. waters to foreign ports;

Authorize the Secretary of State to enter into agreements to authorize foreign fishing within the EEZ adjacent to Pacific Insular Areas (PIAs); such agreements would include an annual determination of fees to be charged foreign vessels;

Authorize the Secretary of Commerce to collect a fee equal to one-half of 1 percent of the value of limited access permits;

Authorize a 1 percent fee on the annual ex-vessel value of bycatch (incidental catch of nontarget fish) targeted for conservation in the North Pacific;

In the case of American Samoa, Guam, and the Northern Marina Islands, require that amounts received by the Secretary from fines and penalties imposed under the Magnuson Act be transferred to the treasury of the PIA adjacent to the exclusive economic zone in which the violation occurred and be available for spending by the Governor of that area for any purposes; in the case of other PIAs, require that such amounts be deposited in a newly created Western Pacific Sustainable Fisheries Fund in the U.S. Treasury and spent without appropriation on conservation and management measures; and

Authorize the Secretary of State to enter into international agreements to reduce bycatch. The Secretary of the Treasury would be required to impose trade sanctions on fish and fish products from those nations that fail to enter into agreements.

Titles I and III of S. 39 would authorize NOAA to institute fishing capacity reduction programs (FCRPs) to ameliorate overfishing in certain areas. Such programs would enable the agency to reduce permanently the number of fishing concerns operating in eligible fisheries by purchasing fishing vessels or federal permits from voluntary sellers or by guaranteeing debt obligations issued by approved entities for that purpose. NOAA would conduct the FCRP regardless of whether the agency guarantees such debt obligations or provides direct funding to owners of fishing vessels or permits.

Section 118 of the bill would provide for several possible funding sources for the FCRPs, including: (1) grants from the Promote and Develop Fisheries Fund, (2) amounts appropriated for fisheries disasters, (3) grants from any state or other public source and private or nonprofit organizations, and (4) industry fees paid by participants in the fishery. In addition, section 302 would provide for financing of private buyouts by authorizing NOAA to guarantee bonds to eligible entities under Title XI of the Merchant Marine Act, 1936. Such guarantees would be subject to the appropriation of the necessary amounts to cover the estimated subsidy cost as defined by the Federal Credit Reform Act.

Under the bill, guarantees could only be made if the participants of a fishery approve an industry fee to be used to repay any debt issued. The unpaid principal outstanding at any time could not exceed $100 million for each participating fishery. Amounts from sources other than subsidy appropriations would be deposited to individual fishing capacity reduction funds. Such amounts would be available without appropriation to pay program costs, including payments to financial institutions for guaranteed debt obligations incurred by entities to finance buyouts. Fund balances would be invested in government securities, but the bill makes no provision for the deposit or spending of any interest that may be earned.

5. Estimated cost to the Federal Government: Assuming appropriation of the necessary amounts, CBO estimates that enacting the bill will result in new discretionary spending totaling about $1.4 billion over the 1997–2002 period. Enacting the bill also would result in new direct spending totaling $23 million over the 1997–2002 period, and new revenues totaling about $26 million over the same period. Additional amounts of both direct spending and revenues, each at roughly $6 million a year, would continue for several years after 2002. Table 1 summarizes the estimated budgetary impact of S. 39.

TABLE 1.—ESTIMATED BUDGETARY IMPACT OF S. 39

[By fiscal year, in millions of dollars]

	1996	1997	1998	1999	2000	2001	2002
Spending Subject to Appropriations							
Spending under current law:							
Budget authority	239	—	—	—	—	—	—
Estimated outlays	237	122	59	17	—	—	—
Proposed changes:							
Estimated authorization level	—	339	355	356	360	1	1
Estimated outlays	—	197	299	329	357	151	55
Spending under S. 39:							
Estimated authorization level [1]	239	339	355	356	360	1	1
Estimated outlays	237	320	358	346	357	151	55
Additional Revenues and Direct Spending							
Revenues:							
Estimated revenues	—	1	(2)	6	6	6	6
Direct spending:							
Estimated budget authority	—	—	—	6	6	6	6
Estimated outlays	—	−1	—	6	6	6	6

[1] The 1996 amount is the appropriated level for that year.
[2] Less than $500,000.

The costs of this bill fall within budget function 300.

6. Basis of estimate:

Spending subject to appropriations

For purposes of this estimate, CBO has assumed that S. 39 would be enacted by the end of fiscal year 1996 and that the entire amounts authorized or estimated to be necessary would be appropriated for each fiscal year. Outlays have been estimated on the basis of historical spending patterns for ongoing fisheries programs and information provided by NOAA.

CBO estimates that S. 39 would authorize appropriations totaling $1,412 million over the 1997–2002 period (see Table 2). Of this amount, $1,403 million is from authorizations specified in the bill. Estimates accounting for the remaining $9 million are discussed below.

Fishing Vessel Obligation Guarantee Fund (FVOG).—CBO estimates an authorization of $2.4 million (less than $500,000 a year for 1997 through 2002) for appropriations to subsidize the FVOG program. S. 39 would amend the Merchant Marine Act to authorize the FVOG program to guarantee up to $40 million in loans annually. The bill would not change the guarantee fees, which along with the default rates, determine the subsidy rate for the program. Hence, CBO estimates that the current subsidy rate of 1 percent would continue to apply so that the annual loan limitation of $40 million would limit new subsidies to $400,000 a year.

Refinancing of Fishing Vessel Loans.—This estimate also includes $4 million for the projected costs of subsidizing the refinancing of certain loans. S. 39 would authorize the Secretary of Commerce to refinance fishing vessel loans for those fishermen that lose revenues as a result of fishery conservation efforts. Because the bill would authorize NOAA to relax underwriting standards, CBO would expect a higher default rate on the refinanced loans than under the current FVOG program. The greater number of defaults would increase the cost of the program to the government. CBO estimates a subsidy rate of nearly 7 percent for the refinancing program, as compared to the rate of 1 percent for the FVOG program. The higher subsidy rate reflects the expected present value of the loans to the federal government. Based on information from NOAA, CBO estimates that FVOG would refinance about $10 million in fishing vessel loans a year or about $60 million over the 1997–2002 period.

TABLE 2.—Specified and Estimated Authorizations Contained in S. 39

[By fiscal year, in millions of dollars]

	1997	1998	1999	2000	2001	2002
CHANGES IN SPENDING SUBJECT TO APPROPRIATIONS (Authorization Levels Only)						
Specified authorizations: [1]						
Magnuson Act	151	160	164	168	--	--
Fish and Wildlife Act of 1956	103	106	106	106	--	--
Interjurisdictional Fisheries Act	70	70	70	70	--	--
Anadromous Fisheries Act	8	8	8	8	--	--
Atlantic Coastal Fisheries Cooperative Management Act	7	7	7	7	--	--
Estimated authorizations:						
FVOG	(2)	(2)	(2)	(2)	(2)	(2)
Refinancing of vessel loans	(2)	1	1	1	1	1
FCRP loan guarantees	--	3	--	--	--	--
Total estimated authorization level [3]	339	355	356	360	1	1

[1] The bill specifies authorization levels for 1996 but CBO assumes that the bill would be enacted too late in the fiscal year to affect 1996 spending.
[2] Less than $500,000.
[3] The table does not show any additional amount for fisheries failures or workers compensation because CBO assumes that funding would come from amounts authorized under other sections of the bill.

Fishing Capacity Reduction Program.—Finally, Table 2 shows an estimated authorization for 1998 of $3 million for costs of guaranteeing debt obligations to nonfederal entities under Title III. This estimate is highly uncertain because it depends on how the program is implemented and on how many fisheries participate. Based on information provided by the National Marine Fisheries Service (NFS) and several fisheries councils, CBO expects that the Pacific groundfish fishery would be the only area likely to adopt a program over the next several years. We further

expect that buyouts in this fishery would be made by a fishing association or nonprofit organization that would issue an estimated $20 million in federally guaranteed bonds to finance the purchase of about one-third of the fishery's capacity in 1998.

CBO estimates that the subsidy rate for the debt obligations would be about 15 percent, resulting in a cost to the federal government of $3 million in 1998 to guarantee $20 million in debt for the Pacific groundfish fishery. The subsidy rate of 15 percent is comparable to the subsidy rate for a program in which the government guarantees debentures for venture capital firms that invest in small businesses. As with the small business debentures, the repayment of the guaranteed bonds in the fisheries program would be uncertain. The only allowable source of debt repayments would be the industry fees. Because such fees would be based on a percentage of the value of fish caught in the fishery, repayment of the debt would be highly susceptible to market fluctuations, natural disasters, and other unpredictable factors. Moreover, limiting repayments to this source implies that no collateral could be required on any debt.

CBO assumes that no other fishery would adopt a capacity reduction program or use this authority to expand existing programs in the near future because industry participants have indicated that they are unwilling to pay for the program.

Other Provisions.—The estimated authorization for 1997–2002 does not include any estimate of appropriations to assist in dealing with failures of commercial fisheries pursuant to Title I. Section 118 of this title authorizes such sums as needed to mitigate such failures—through FCRPs or other methods—through 2000. Based on information from NOAA, CBO assumes that funding for dealing with future fisheries failures would more likely be provided under other authorities in the bill (namely, Title III loan subsidies for FCRPs). This estimate also does not include any additional amounts for the provision that makes observers federal employees for the purpose of workers compensation. CBO estimates that any needed amounts—which are likely to average less than $1 million a year—would be paid out of the authorizations specified in the bill.

Revenues

Enacting S. 39 would result in new revenues totaling about $26 million over the 1997–2002 period and roughly $6 million a year for several years after 2002. This includes about $2 million a year over the 2002–2018 period from fees paid by participants in a capacity reduction program in the Pacific groundfish fishery. Roughly $4 million a year in revenues would continue indefinitely from fees collected pursuant to Pacific Insular Area Fishing Agreements (PIAFAs) and from individuals holding permits and paying fees in limited access fisheries. Table 3 presents the estimated impact of S. 39 on revenues.

TABLE 3.—ESTIMATED IMPACT OF S. 39 ON REVENUES

[By fiscal year, in millions of dollars]

	1997	1998	1999	2000	2001	2002
Changes in Revenues						
Estimated changes in revenues:						
FCRPs	0	0	2	2	2	2
PIAFA Revenues	0	0	4	4	4	4
Limited Access Permits	1	(1)	(1)	(1)	(1)	(1)
Total estimated revenues [2]	1	(1)	6	6	6	6

[1] Less than $500,000.

[2] The bill also could raise revenues from fees on bycatch, or reduce existing revenues from duties on imported fisheries products (which could be banned if a foreign nation fails to comply with future international agreements to reduce bycatch), but CBO estimates that these provisions would have no impact.

Revenues from Fishing Capacity Reduction Programs.—CBO estimates that fees associated with capacity reduction programs would generate additional federal revenues of about $2 million a year beginning in 1999. Section 118 would require NOAA to impose an annual fee on businesses that continue operating in a fishery subject to a capacity reduction program. The fee would have to be approved in a referendum before a buyout program could be implemented. CBO expects that such fees would be imposed on entities fishing for Pacific groundfish and that this would be the only fishery likely to adopt a buyout program in the near future. This estimate is based on a fee equal to 2.5 percent of the estimated annual gross sale proceeds in that fishery (about $80 million), which is the level that would be required to pay the principal and interest on $20 million of bonds over 20 years at a rate slightly higher than the federal government's cost of borrowing.

PIAFA Revenues.—CBO estimates revenues of about $16 million over the 1997–2002 period from fees that might be included in future PIAFAs. The bill would authorize the Secretary of State, with the concurrence of the Secretary of Commerce, the Western Pacific Fishery Management Council, and in some cases the Governor of the PIA, to conclude three-year international agreements that would permit foreign fishing in the exclusive economic zone adjacent to PIAs. The agreements would be required to include an annual determination of fees that would be imposed on foreign vessels. Any fees charged would likely be treated as revenues because a permit would be compulsory for fishery participants and the corresponding fees could exceed the administrative costs of issuing permits. Fees collected by the Secretary of Commerce pursuant to PIAFAs for American Samoa, Guam, and the Northern Mariana Islands would be deposited in the Treasury and then transferred to the PIA in which they were collected. Funds would be available for spending by the Governors of each PIA to reimburse the Western Pacific Council and the Secretary of State for the costs of establishing the PIAFA, for conservation and management measures, and for other coastal and marine-relate uses. Fees collected by the Secretary of Commerce pursuant to PIAFAs for PIAs other than American Samoa, Guam, and the Northern Mariana Islands would be available without appropriation to the Secretary of the Western Pacific Council to reimburse the Secretary of State for the costs of establishing the PIAFA, for conservation and management measures, and for other coastal and marine-related uses.

CBO estimates that, beginning in 1999, about $2 million a year would be collected in and transferred to American Samoa, Guam, and the Northern Mariana Islands and an additional $2 million would be collected and spent for other PIAs. This estimate is uncertain because the timing of future agreements will depend on the level of interest of participating nations and the complexity of negotiations. Based on information provided by the Department of State, CBO assumes that PIAFAs would be in place by 1999, and that collections would be consistent with amounts levied by other territories in this region that are currently charging fees.

Limited Access Permit Revenues.—CBO estimates revenues of about $1 million in 1997 and less than $0.2 million each year after 1997 from fees on the holders of limited access permits. S. 39 would direct the Secretary of Commerce to collect a fee of up to one-half of 1 percent of the value of limited access permits. Fees would be used to pay for a national registry of permit holders and would be levied at the time an individual's permit is recorded in the registry. Spending of these fees would be subject to appropriations.

The estimate of revenues assumes that a fee could be charged almost exclusively in those limited-access fisheries managed by individual transferable quota (ITQ) programs. Because permits in these fisheries are transferable, there is a secondary market that allows permit values to be determined. (A nominal fee based on the administrative cost of issuing permits may be charged in other limited-access fisheries.) Eligible fisheries include those for halibut and sablefish in the North Atlantic and the wreckfish, surf-clam, and ocean quahog in the South Atlantic. The only additional fishery included in our estimate is the Pacific groundfish fishery where—although there is no ITQ program—a secondary market exists for the limited number of permits in the fishery. Information used to estimate permit values was provided by NOAA. CBO assumes that the maximum fee would be levied in all eligible fisheries.

Other Provisions.—CBO estimates no additional revenues from proposed fees on bycatch in the North Pacific. Based on information provided by the National Marine Fisheries Service and the North Pacific Fishery Management Council, CBO believes that a fee system is unlikely to be proposed by the council in the near future. Rather, the council will consider alternative methods for reducing harvest that do not involve fees. CBO also estimates no decrease in revenues from the provision that would require the Secretary of the Treasury to ban imports of fisheries products from those nations that fail to enter into future international agreements to reduce bycatch. Because few significant measures to reduce bycatch are in place domestically at this time, international agreements on standards comparable to those in the U.S. are unlikely until more extensive domestic measures for bycatch reduction have been implemented.

Direct spending

CBO estimates that enacting S. 39 would result in new direct spending totaling $23 million over the 1997–2002 period and about $6 million a year for several years after 2002. The direct spending would be funded by revenues collected pursuant to a capacity reduction program in the Pacific groundfish fishery (about $2 million a year over the 1999–2019 period) and from future Pacific Insular Area Fishery Agreements (about $4 million a year beginning in 1999 and continuing indefinitely). Table 4 presents the estimated impact of S. 39 on direct spending.

Fishing Capacity Reduction Program (FCRP).—CBO estimates that fees collected pursuant to a capacity reduction in the Pacific groundfish fishery—the only fishery likely to adopt a capacity reduction program in the near future—are likely to total roughly $2 million a year over the 1999–2018 period. The $2 million would be spent each year without further appropriation to pay off bondholders.

TABLE 4.—ESTIMATED IMPACT OF S. 139 ON DIRECT SPENDING

[By fiscal year, in millions of dollars]

	1997	1998	1999	2000	2001	2002
Changes in Direct Spending						
Spending of FCRP revenues:						
Estimated budget authority	.....	.....	2	2	2	2
Estimated outlays	.....	.....	2	2	2	2
IFQ/CDQ offsetting receipts:						
Estimated budget authority	−5	−6	−6	−8	−8	−8
Estimated outlays	−5	−6	−6	−8	−8	−8
Spending from IFQ/CDQ receipts:						
Estimated budget authority	5	6	6	8	8	8
Estimated outlays	4	6	6	8	8	8
Spending of PIAFA revenues:						
Estimated budget authority	.....	.....	4	4	4	4

TABLE 4.—ESTIMATED IMPACT OF S. 139 ON DIRECT SPENDING—Continued

[By fiscal year, in millions of dollars]

	1997	1998	1999	2000	2001	2002
Estimated outlays	.....	.....	4	4	4	4
Total changes in direct spending:[1]						
Estimated budget authority	.....	.....	6	6	6	6
Estimated outlays	−1	.....	6	6	6	6

[1] The bill also could affect spending for disaster assistance to fishermen and spending from certain fines and penalties, but CBO estimates that these provisions would have no impact.

Fees from Quota Programs.—CBO estimates that the proposed fee on permit holders for fishing under individual fishing quota (IFQ) and community development quota (CDQ) programs would result in a net decrease in outlays of $1 million in 1997 and have no net budgetary impact in other years. S. 39 would direct the Secretary of Commerce to collect a fee of up to 3 percent of the annual dockside value of fish harvested under any eligible IFQ or CDQ program. CBO estimates that this provision will result in new receipts totaling about $39 million over the 1997–2002 period. Fees would likely be treated as offsetting receipts and would be available for spending without further appropriation action. Accordingly, the increase in receipts would be offset by additional direct spending and the provision would have no significant net impact on the federal budget, CBO estimates that NOAA would be able to spend most of the receipts collected in each year.

For purposes of this estimate, CBO assumes that individuals holding permits in IFQ and CDQ programs for halibut, sablefish, and pollock begin paying fees in 1997 and that CDQs for North Pacific groundfish, king crab, and tanner crab would be implemented and participants would pay fees by 1998. Individuals holding permits in the wreckfish, surf clam, and ocean quahog CDQ programs would not be required to pay fees until January 1, 2000. CBO assumes that the Secretary would collect the full 3 percent of the annual ex-vessel value of fish caught in fisheries managed by IFQs and that the corresponding rate for fisheries managed by CDQs would be slightly lower—about 2.75 percent—to reflect participants' deductions for higher observer and reporting costs. The estimate of spending from these receipts assumes, pursuant to the bill, that 25 percent of the fees collected pursuant to this provision would subsidize loans for fishermen who purchase IFQs. The remainder would be used to pay for the management and enforcement costs of IFQ and CDQ programs.

Spending of PIAFA Revenues.—CBO estimates direct spending of $16 million over the 1997–2002 period from authority to spend without appropriation the revenues collected pursuant to Pacific Insular Area Fishery Agreements.

Other Provisions.—CBO estimates that the proposed changes to the Interjurisdictional Fisheries Act for fishery relief programs would have no cost because the changes have already been incorporated into current law by Public Law 104–134, the Omnibus Consolidated Rescissions and Appropriations Act of 1996. CBO estimates no new direct spending from authority in S. 39 to spend Magnuson Act fines and penalties collected in the EEZ adjacent to Pacific Insular Areas. Penalties and proceeds from asset forfeitures may already be spent without appropriation. The only effect of this provision would be to change the parties that would be eligible to spend the funds.

7. Pay-as-you-go considerations: Section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 sets up pay-as-you-go procedures for legislation affecting direct spending or receipts through 1998. CBO estimates that enacting S. 39 would affect both direct spending and receipts; therefore, pay-as-you-go procedures would apply to the bill.

Direct Spending.—Proposed IFQ and CDQ program fees would result in additional offsetting receipts and spending of those fees. We estimate that spending would lag behind fee collections slightly, resulting in a net reduction in outlays of about $1 million in 1997. Because most receipts would be spent in the year they are collected, CBO estimates that the net impact of this provision on outlays after 1997 would be less than $500,000 a year.

S. 39 also would allow spending without appropriation of the fees collected on participants in fishing capacity reduction programs and from PIAFAs. However, CBO estimates that these fees would not be collected or spent until 1999.

Revenues.—The bill would raise new revenues from a fee on limited access permits. Revenues from other new fees would accrue after 1998.

CBO's estimate of S. 39's pay-as-you-go impact is summarized in the following table:

[By fiscal year, in millions of dollars]

	1996	1997	1998
Change in outlays	0	−1	0
Change in receipts	0	1	0

8. Estimated impact on State, local, and tribal governments: The bill contains no intergovernmental mandates as defined in Public Law 104–4, and would impose no direct costs on State, local, or tribal governments. The bill would authorize appropriations of at least $87 million over fiscal years 1997 through 2000 for financial assistance to State and local governments. This assistance would help State and local governments protect and manage fishery resources. If the Secretary of State enters into agreements to allow foreign fishing within the exclusive economic zones adjacent to Pacific Insular Areas, the bill could also result in increased funding for these governments. Such funding would be earmarked for managing and conserving fisheries.

9. Estimated impact on the private sector: S. 39 contains several new private-sector mandates, but the direct costs of those mandates are not likely to exceed the $100 million threshold established by Public Law 104–4 (see the attached private-sector mandate statement).

10. Previous CBO estimate: On July 10, 1995, CBO provided a cost estimate for H.R. 39, the Fishery Conservation and Management Amendments of 1995, as reported by the House Committee on Resources on June 30, 1995. CBO estimated that H.R. 39 would authorize new appropriations totaling $660 million over the 1996–2000 period, including $610 million in specified authorizations and an estimated $50 million for an FCRP for the Northeast. CBO also estimated that H.R. 39 would result in direct spending of less than $0.5 million a year from the collection of fees on foreign vessels that transport fish products from United States waters to foreign ports. Additional receipts of up to $5 million a year would be collected from fees on IFQ permits. However, the fees would be available for spending without appropriation and CBO estimated that the increase in receipts would be offset by additional direct spending. Finally, CBO estimated that H.R. 39 would result in $2 million to $4 million a year in new revenues from an annual fee on holders of federal fishing permits who continue operating in the Northeast FCRP. These revenues would be authorized for spending without appropriation for other FCRP programs, but CBO assumed that no other programs would be enacted and that those revenues would not be spent. Differences in CBO estimates for similar provisions of H.R. 39 and S. 39 are attributable to significant differences in the bills and to the availability of new information since last July.

11. Estimate prepared by: Federal Cost Estimate: Gary Brown, Rachel Forward, and Deborah Reis; and for revenues, Stephanie Weiner.

State and local government impact: Pepper Santalucia.

Private sector impact: Patrice Gordon.

12. Estimate approved by:

ROBERT A. SUNSHINE
(For Paul N. Van de Water, Assistant Director for Budget Analysis.)

NOTICE OF ADOPTION OF REGULATIONS AND SUBMISSION FOR APPROVAL

Mr. THURMOND. Mr. President, pursuant to section 304(b) of the Congressional Accountability Act of 1995 (2 U.S.C. sec. 1384(b)), a notice of adoption of regulations and submission for approval was submitted by the Office of Compliance, U.S. Congress. The notice contains final regulations related to Federal service labor-management relations—regulations under section 220(d) of the Congressional Accountability Act.

Section 304(b) requires this notice to be printed in the CONGRESSIONAL RECORD; therefore I ask unanimous consent that the notice be printed in the RECORD.

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

OFFICE OF COMPLIANCE—THE CONGRESSIONAL ACCOUNTABILITY ACT OF 1995: EXTENSION OF RIGHTS, PROTECTIONS AND RESPONSIBILITIES UNDER CHAPTER 71 OF TITLE 5, UNITED STATES CODE, RELATING TO FEDERAL SERVICE LABOR-MANAGEMENT RELATIONS (REGULATIONS UNDER SECTION 220(d) OF THE CONGRESSIONAL ACCOUNTABILITY ACT)

NOTICE OF ADOPTION OF REGULATIONS AND SUBMISSION FOR APPROVAL

Summary: The Board of Directors of the Office of Compliance, after considering comments to its Notice of Proposed Rulemaking published May 15, 1996 in the Congressional Record, has adopted, and is submitting for approval by the Congress, final regulations implementing section 220 of the Congressional Accountability Act of 1995, Pub. L. 104–1, 109 Stat. 3. Specifically, these regulations are adopted under section 220(d) of the CAA.

For Further Information Contact: Executive Director, Office of Compliance, Room LA 200, John Adams Building, 110 Second Street, S.E., Washington, DC 20540–1999, Telephone: (202) 724–9250.

SUPPLEMENTARY INFORMATION

I. Background and Summary

The Congressional Accountability Act of 1995 (''CAA'' or ''Act'') was enacted into law on January 23, 1995. In general, the CAA applies the rights and protections of eleven federal labor and employment law statutes to covered Congressional employees and employing offices. Section 220 of the CAA concerns the application of chapter 71 of title 5, United States Code (''chapter 71'') relating to Federal service labor-management relations. Section 220(a) of the CAA applies the rights, protections and responsibilities established under sections 7102, 7106, 7111 through 7117,

7119 through 7122 and 7131 of title 5, United States Code to employing offices and to covered employees and representatives of those employees.

Section 220(d) authorizes the Board of Directors of the Office of Compliance (''Board'') to issue regulations to implement section 220 and further states that, except as provided in subsection (e), such regulations ''shall be the same as substantive regulations promulgated by the Federal Labor Relations Authority [''FLRA''] to implement the statutory provisions referred to in subsection (a) except—(A) to the extent that the Board may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section; or (B) as the Board deems necessary to avoid a conflict of interest or appearance of a conflict of interest.''

On March 6, 1996, the Board of Directors of the Office of Compliance (''Office'') issued an Advance Notice of Proposed Rulemaking (''ANPR'') that solicited comments from interested parties in order to obtain participation and information early in the rulemaking process. 142 Cong. R. S1547 (daily ed., Mar. 6, 1996).

On May 15, 1996, the Board published in the Congressional Record a Notice of Proposed Rulemaking (''NPR'') (142 Cong. R. S5070–89, H5153–72 (daily ed., May 15, 1996). In response to the NPR, the Board received three written comments, two of which were from offices of the Congress and one of which was from a labor organization.

Parenthetically, it should also be noted that, on May 23, 1996, the Board published a Notice of Proposed Rulemaking (142 Cong. R. S5552–56, H5563–68 (daily ed., May 23, 1996)) inviting comments from interested parties on proposed regulations under section 220(e). That subsection further authorizes the Board to issue regulations on the manner and extent to which the requirements and exemptions of chapter 71 should apply to covered employees who are employed in certain specified offices, ''except . . . that the Board shall exclude from coverage under [section 220] any covered employees who are employed in [the specified offices] if the Board determines that such exclusion is required because of (i) a conflict of interest or appearance of a conflict of interest; or (ii) Congress' constitutional responsibilities.'' Final regulations under section 220(e) will be adopted and submitted for Congressional approval separately.

II. Consideration of Comments and Conclusions

A. Investigative and adjudicatory responsibilities

In the NPR, the Board proposed that, like the FLRA , it would decide representation issues, negotiability issues and exceptions to arbitral awards based upon a record developed through direct submissions from the parties and, where necessary, through further investigation by the Board (through the person of the Executive Director). Under the Board's proposed rule, only unfair labor practice issues (and not representation, arbitrability or negotiability issues) would be referred to hearing officers for initial decision under section 405 of the CAA.

One commenter expressly approved of this proposal. Conversely, two commenters argued that the proposal violates the plain and unambiguous language of the statute, which they read as requiring the Board to refer all section 220 issues, including representation, arbitrability, and negotiability issues, to hearing officers for initial decision under section 405.

Contrary to the argument that the statutory text *unambiguously* requires referral of representation, arbitrability, and negotiability issues (as well as unfair labor practice issues) to hearing officers for initial decision pursuant to section 405, section 220(c)(1) simply does not define the ''matter[s]'' that must be referred to hearing officers for initial decision under section 405, much less specify that these ''matter[s]'' include disputed issues of representation, negotiability and/or arbitrability. Moreover, contrary to the assumption of the commenters, there is no sound reason to assume that the ''matter[s]'' that the Board must refer to hearing officers for initial decision under section 405 are co-extensive with the ''petition[s], or other submission[s]'' that the Board receives under section 220(c)(1). Since Congress did *not* require the Board to refer to a hearing officer for initial decision ''any petition or other submission'' that it receives under section 220(c)(1), but rather only ''any matter under this paragraph,'' the interpretive presumption in fact must be that the ''matter[s]'' which the Board must refer are not co-extensive with the ''petitions or other submissions'' that it receives under section 220(c)(1) (but, rather, are only a subset of them.) Whether or not this interpretative presumption can be overcome by other relevant interpretive materials, it is plain that, contrary to the assertion of the commenters, the statutory text is in fact seriously ambiguous about whether controversies involving representation, negotiability, and arbitrability issues are ''matter[s]'' within the meaning of section 220(c)(1) that must be referred to a Hearing Officer pursuant to section 405.

Moreover, as explained in the NPR, this textual ambiguity is best resolved by interpreting the statutory phrase ''matter'' in section 220(c)(1) to encompass only controversies involving disputed unfair labor practice issues. The term ''matter'' in section 220(c)(1) simply does not appear to refer to representation or other such issues arising out of the Board's ''investigative authorities.'' Indeed, section 220(c)(1) expressly contemplates that the Board may direct the General Counsel (and, a fortiori, not a hearing officer) to carry out these ''investigative authorities,'' which under chapter 71 include the authority, for example, to decide (and not, as one commenter suggests, merely to investigate) disputed representation issues such as whether an individual must be excluded from a unit because he or she is a supervisor.

Under chapter 71, only controversies involving unfair labor practice issues are subject to formal adversarial processes like those established by section 405; and nothing in the CAA's legislative history shows that Congress understood itself to be departing from chapter 71 in this respect. In these circumstances, under the CAA, the textual ambiguity must be resolved by reference to the interpretive presumption that Congress has subjected itself to the same rules that the executive branch is subject to under chapter 71.

Furthermore, contrary to the suggestion of one commenter, the reference in the last sentence of section 220(c)(2) to initial hearing officer consideration of unfair labor practice complaints does not detract in any way from the Board's construction of the term ''matter'' in section 220(c)(1). The Board's construction of the term ''matter'' in section 220(c)(1) simply does not render this reference in section 220(c)(2) to initial hearing officer consideration of unfair labor practice complaints ''redundant and meaningless,'' as the commenter claims; rather, the reference in section 220(c)(2) simply completes the statute's instruction to the General Counsel concerning how he should process a controversy involving an unfair labor practice issue (just as section 220(c)(1) in parallel instructs the Board concerning how it should process a controversy involving an unfair labor practice issue). Indeed, construing the phrase ''matter'' in section 220(c)(1) to encompass more than just controversies involving unfair labor practice issues would not in any way reduce the redundancy and lack of meaning that the commenter perceives (since, in all events, both section 220(c) (1) and (2) would effectively encompass initial hearing officer consideration of unfair labor practice issues).

The commenters similarly err in suggesting that the judicial review provisions of section 220(c)(3) demonstrate that the Board must refer more than just unfair labor practice issues to a hearing officer for initial decision under section 405. In making this suggestion, the commenters omit mention of the critical statutory language in section 220(c)(3) that only the General Counsel or the respondent to the complaint may seek judicial review of a final Board decision under section 220(c) (1) or (2). This language appears to limit judicial review to cases involving unfair labor practice issues, because it is only in unfair labor practice cases that the parties include either ''the General Counsel or the respondent to the complaint.'' In all events, even if section 220(c)(3) authorized judicial review of more than just unfair labor practice issues, referral of more than controversies involving unfair labor practice issues would not be required: Judicial review does not always require a record created by a formal adversary process, and the Board still has not found a statutory command sufficient to require a formal adversary process where chapter 71 does not do so.

Finally, there is simply no foundation for the suggestion that the ''real reason'' for the Board's reading of the statute is that referral of representation, arbitrability, or negotiability issues to a hearing officer for initial decision under section 405 would be ''overly cumbersome.'' It is in fact the judgment of the Board, based on its members' many years of practice and experience in this area, that referral of such issues for formal adversary hearings would be overly cumbersome and would undermine considerably the effective implementation of section 220 of the CAA. Indeed, it is difficult for the Board's members to even conceive of how an election could practicably be conducted in the confidential, adversarial processes contemplated by section 405. But, while the Board is in fact entitled in its interpretive process to presume that Congress did not intend to be so impracticable, the ''real reason'' for the Board's construction of section 220 is not this significant practical concern. Rather, the ''real reason'' is the one that is stated in the NPR and here—to wit, that neither the statutory language nor the legislative history contain a sufficiently clear command that, in supposedly subjecting itself to the same labor laws as are applicable to the executive branch, Congress intended to make an exception for itself and require formal adversarial proceedings where they are not required under chapter 71. As the Supreme Court has stated: '''In a case where the construction of legislative language such as this makes so sweeping and so relatively unorthodox a change as that [suggested] here, [we] think judges as well as detectives may take into consideration the fact that a watch dog did not bark in the night.''' *Chisom v. Roemer,* 501 U.S. 380, 397 (1991), *quoting Harrison v. PPG Industries, Inc.,* 446 U.S. 578, 602 (1980) (Rehnquist, J., *dissenting).*

B. Pre-election investigatory hearings

In the NPR, the Board proposed to add a new subsection 2422.18(d) to provide that the parties have an obligation to produce existing documents and witnesses for pre-election

investigatory hearings, in accordance with the instructions of the Board (acting through the person of the Executive Director), and that a willful failure to comply with such instructions could result in an adverse inference being drawn on the issue for which the evidence is sought. The Board noted that section 7132 of chapter 71, which authorizes the issuance of subpoenas by various FLRA officials, was not made applicable by the CAA and that, as pre-election investigatory hearings are not conducted under section 405 of the CAA, subpoenas for documents or witnesses in such pre-election proceedings are not available under the CAA, as they are under chapter 71. The Board thus concluded that there is good cause to modify section 2422.18 of the FLRA's regulations to include subsection (d) because, in order to properly decide disputed representation issues and effectively implement section 220 of the CAA, a complete investigatory record comparable to that developed under chapter 71 is necessary.

One commenter asserted, consistent with that commenter's view that pre-election investigatory hearings must be conducted under section 405 of the CAA, that the addition of subsection 2422.18(d) is not necessary. Based upon the same rationale, another commenter suggested (1) that section 2422.18(b) be modified to provide that the Federal rules of evidence shall apply in pre-election investigatory hearings, and (2) that the Board ''should make the proposed regulations governing service of subpoenas consistent with its own procedural regulations.'' This same commenter also suggested that the Board specifically not adopt that portion of section 2422.18(b) which provides that pre-election investigatory hearings are open to the public, because this provision allegedly ''appears to be included to comply with the Sunshine Act'' which ''does not apply to Congress.''

As noted above, the Board continues to be of the view that pre-election investigatory hearings need not and should not be conducted under section 405 of the CAA. Accordingly, since the commenters criticisms of this proposed regulation are based upon a contrary false premise, the Board adheres to its original conclusion that there is good cause to modify section 2422.18 of the FLRA's regulations by including section 2422.18(d). Further, because pre-election investigatory hearings should not be conducted under section 405 of the CAA, there is no good cause to modify section 2422.18 to require the application of the Federal rules of evidence or to provide for the issuance or service of subpoenas in connection with such investigatory hearings. Finally, contrary to the assertion of one commenter, there is no indication that the ''Sunshine Act'' (Pub. L. 94–409) formed the basis for the section 2422.18(b) requirement that pre-election hearings be open to the public, and there is no basis for not adopting that subsection, as suggested by the commenter.

C. Selection of the unfair labor practice procedure or the negotiability procedure

In the NPR, the Board determined that there is good cause to delete the concluding sentences of sections 2423.5 and 2424.4 of the FLRA's regulations. Specifically, the Board proposed to omit the requirement that a labor organization file a petition for review of a negotiability issue, rather than an unfair labor practice charge, in cases that solely involve an employing office's allegation that the duty to bargain in good faith does not extend to the matter proposed to be bargained and that do not involve actual or contemplated changes in conditions of employment. The Board reasoned that, by eliminating that restriction, a labor organization could choose to seek a Board determination on the issue, as it can with respect to other assertions by employing offices that there is no duty to bargain, through an unfair labor practice proceeding and, if the determination is unfavorable, the labor organization could possibly obtain judicial review by persuading the General Counsel to file a petition for review of the unfavorable Board decision under section 220(c)(3) of the Act. In this regard, the Board stated its view that, unlike chapter 71, the CAA does not provide for direct judicial review of Board decisions and orders on petitions for review of negotiability issues.

One commenter expressly and specifically agreed that there is good cause for this proposed modification of the FLRA's regulations. The two other commenters asserted that there is not good cause to delete the pertinent sentences from the FLRA's regulations because of their view that, under section 220(c)(3), direct judicial review of Board decisions on petitions for review of negotiability issues is available.

The Board has further considered this issue and has concluded, for reasons different than those urged by the commenters, that it should not delete the concluding sentences of the referenced sections of the FLRA's regulations. Under section 7117 of chapter 71, which is incorporated into the CAA, a labor organization is the only party that may file a petition for Board review of a negotiability issue; the labor organization is always the petitioner and never a respondent, and the General Counsel is never a party. Moreover, section 220(c)(3) provides that only ''the General Counsel or the respondent to the complaint, if aggrieved by a final decision of the Board'' may file a petition for judicial review of a Board decision. Accordingly, it is clear that, under the CAA, it was Congress' intent not to accord labor organizations the right to seek direct judicial review of unfavorable decisions on negotiability issues. Further, in the Board's judgment, questions involving the duty to bargain, where there are no actual or contemplated changes in conditions of employment, are best resolved through a negotiability determination; procedures for the consideration of petitions for review of negotiability issues are more expeditious and less adversarial than unfair labor practice proceedings, and thus the requirement that labor organizations utilize the negotiability procedures is more effective for the implementation of section 220. Accordingly, the concluding sentences of section 2423.5 and 2424.5 of the FLRA's regulations will be included in the Board's final regulations.

D. Exclusion of certain employing offices from coverage under section 220

One commenter urged the Board to exclude certain specific employing offices from coverage under section 220 of the CAA. The commenter reasoned that, since section 7103(a)(3) of chapter 71 specifically defines ''agency'' not to include certain named executive branch agencies, the Board should exempt ''parallel'' employing offices in the House of Representatives from the definition of ''employing office'' in the Board's regulations.

The Board declines this suggestion. Just as Congress defined the term ''agency'' under chapter 71, Congress has defined ''employing office'' in the CAA. The Board cannot, as the commentor has requested, redefine ''employing office'' by regulation to exclude employing offices that are encompassed by statutory definition.

E. Exercise of the Board's authority under section 7103(b) of chapter 71, as applied by the CAA

Under section 220(c)(1) of the CAA, the Board has been granted the authority that the President has under section 7103(b) of chapter 71 to ''issue an order excluding any [employing office] or subdivision from coverage under this chapter if the [Board] determines that—

(a) the [employing office] or subdivision has as a primary function intelligence, counterintelligence, investigative, or national security work, and

(b) the provisions of this chapter cannot be applied to that [employing office] or subdivision in a manner consistent with national security requirements and considerations.''

Two commenters requested that the Board issue regulations under this authority. In doing so, one commenter named five employing offices that it simply asserted should be excluded because their ''primary function . . . is intelligence investigative or national security work''; the other commenter made no specific suggestions as to appropriate exclusions.

While the Board is willing to exercise its authority derived from section 7103(b) of chapter 71 (when and if it receives information that would allow it to do so), the authority that the Board possesses is to exclude employing offices from coverage under section 220 by ''order,'' not by regulation. Congress wisely recognized that sensitive security issues of this type are not properly addressed in a public rulemaking procedure, but rather are better addressed by executive or administrative order.

F. Definition of labor organization

One commenter correctly pointed out that the words ''bylaws, tacit agreement among its members,'' were omitted from the definition of ''labor organization'' in section 2421.3(d). The final regulation has been modified to correct this inadvertent omission.

G. Substitution of the term ''disability'' for ''handicapping condition''

The proposed regulations, in sections 2421.3(d)(1) and 2421.4(d)(2)(iv), make reference to the term ''handicapping condition''. That term appears in the FLRA regulations and is derived from the Rehabilitation Act of 1973. In section 201(a)(3) of the CAA, the Congress used the term ''disability,'' rather than the term ''handicap'' or ''handicapping condition''. Accordingly, as urged by one commenter, the Board finds good cause to substitute the term ''disability'' for the term ''handicapping condition'' wherever it appears in the regulations.

H. Conditions of employment

One commenter suggested that the Board should modify the definition of the term ''conditions of employment'' in section 2421.3(m)(3) of the proposed regulations to provide that, in addition to ''matters specifically provided for by Federal statute,'' matters specifically provided for by ''resolutions, rules, regulations and other pronouncements of the House of Representatives and/or the Senate having the force and effect of law'' are among the matters excluded from that term. But the definition of ''conditions of employment'' in section 2421.3(m) of the proposed regulations is identical to the statutory definition incorporated by reference into the FLRA's regulations. Moreover, to the extent that resolutions, rules, regulations and pronouncements of the House or Senate have the force and effect of Federal statutes, matters specifically provided for therein are already excluded from ''conditions of employment'' under section 220. The Board thus does not find good cause to change the FLRA's regulation.

I. Applicability of certain terms

1. Government-wide rule or regulation.—The term ''Government-wide rule or regulation'' is found in various contexts in the incorporated provisions of chapter 71 and applicable regulations of the FLRA. One commenter

asked that the Board clarify that the term includes ''rules or regulations issued by the House or Senate, as appropriate.'' The commenter cited no authority for the requested change.

The Board has carefully considered the matter. Its own research reveals that the FLRA has interpreted this term to include only rules or regulations that are generally applicable to the Federal civilian workforce within the executive branch. The Board thus does not find good cause to revise the term to apply to rules or regulations that are not generally applicable to covered employees throughout the entire legislative branch.

2. Activity; primary national subdivision.—One commenter asserted that the terms ''activity'' and ''primary national subdivision'' have no applicability in the legislative branch and should be omitted from the regulations. However, there was not sufficient information in the comment to allow the Board to make an informed judgment about the validity of the assertion. The Board therefore does not have good cause to modify the FLRA's regulations by deleting these terms; indeed, if the terms are inapplicable, their inclusion in the regulations will have no substantial consequence.

J. Consultation rights

1. National.—Under section 2426.1(a) of the proposed rules, an employing office shall accord national consultation rights to a labor organization that holds exclusive recognition for 10% or more of the total number of personnel employed by the employing office. In this regard, the Board noted that the FLRA has considered 10% of the employees of an agency or primary national subdivision to be a significant enough proportion of the employee complement to allow for meaningful consultations, no matter the size of the agency or the number of its employees. The Board determined that there is no apparent reason why there should be a different threshold requirement for small legislative branch employing offices from that applicable to small executive branch agencies.

One commenter urged that the Board reconsider its determination. The commenter argued that the threshold should be raised, because in a small employing office of 10 employees ''a union could gain consultation rights on the basis of the interest of one employee.''

The commenter's concern that one employee's ''interest'' in a 10-employee office could require consultations is unfounded. In order to obtain national consultation rights, a labor organization must hold ''exclusive recognition'' for 10% of the employees. Section 2421.4(c) of the Board's proposed rules defines the term ''exclusive recognition'' to mean that ''a labor organization has been selected as the sole representative, in a secret ballot election, by a majority of the employees in an appropriate unit who cast ballots in an election.'' The mere ''interest'' of employees does not constitute ''exclusive recognition.'' Further, exclusive recognition cannot, under applicable precedent, be granted for a single employee, because a one-employee unit is not appropriate for exclusive recognition. The Board thus has decided to adhere to its conclusion that there is not good cause to change the 10% threshold.

2. Government-wide rules or regulations.—In the NPR, the Board concluded that it had good cause to modify the threshold requirement contained in the FLRA's regulations that provide for an agency, in appropriate circumstances, to accord consultation rights on Government-wide rules or regulations to a labor organization that holds exclusive recognition for 3,500 or more employees. The Board reasoned that, because of the size of employing offices covered by the CAA, the 3,500 employee threshold could never be met and needed to be revised. Accordingly, by analogy to the eligibility requirement for national consultation rights, the Board adopted a threshold requirement of 10% of employees.

One commenter asserted that the Board improperly replaced the 3,500 employee threshold requirement with the 10% requirement, arguing that the intent of the 3,500 employee threshold was to permit consultation only in large agencies. The commenter stated that, because no covered employing office has 3,500 employees, ''consultation on government-wide rules or regulations should not be a requirement under the CAA.''

The Board has carefully considered the comment and has now concluded that the substitution of a 10% threshold for the 3,500 employee requirement would not result in the appropriate standard for the grant of consultation rights on Government-wide rules or regulations. However, contrary to the commenter's assertion, such consultation rights should be, and indeed are, accorded under the CAA.

Section 7117(d) of chapter 71, which is incorporated into the CAA, provides that a labor organization that is the exclusive representative of a substantial number of employees, as determined in accordance with criteria prescribed by the FLRA, shall be granted consultation rights by any agency with respect to any Government-wide rule or regulation issued by the agency that effects any substantive change in any condition of employment. For example, under the FLRA's regulations, in appropriate circumstances, the Office of Personnel Management (OPM) would be required to accord consultation rights on an OPM-issued government-wide regulation to labor organizations that are the exclusive representatives of at least 3,500 executive branch employees, even if those employees are not employees of OPM. Section 7117(d) of chapter 71 was incorporated into the CAA. Thus, in the legislative branch, consultation rights on legislative branch-wide rules or regulations issued by an employing office that effect any substantive change in any condition of employment must be granted to the exclusive representative(s) of a substantial number of covered legislative branch employees.

The FLRA determined in its regulations that 3,500 employees is a ''substantial'' number of employees in the executive branch. The most recent statistics compiled by OPM's Office of Workforce Information reveal that there are approximately 1,958,200 civilian, non-postal, Federal employees. In contrast, the Congressional Research Service reports that there are only approximately 20,100 legislative branch employees currently covered by the CAA. As the covered workforce in the legislative branch is approximately one-tenth the size of the analogous executive branch employee complement, the Board concludes that the appropriate threshold requirement for the grant of consultation rights in the legislative branch is 350 employees, or one-tenth the requirement in the executive branch. Accordingly, the Board finds that there is good cause to modify section 2426.11(a) of the FLRA's rules to provide that requests for consultation rights on Government-wide rules or regulations (e.g. rules or regulations that are generally applicable to the legislative branch) will be granted by an employing office, as appropriate, to a labor organization that holds exclusive recognition for 350 or more covered employees in the legislative branch.

K. Posting of notices in representation cases

One commenter asserted that sections 2422.7 and 2422.23, which provide for the posting or distribution of certain notices by employing offices, should be modified. In this regard, the commenter argued that these sections of the proposed rules ''give the Executive Director the authority to determine the placement'' of the notice posting and that such determination should be left to the discretion of the employing office. Contrary to the commenter's assertions, however, nothing in the aforementioned regulations deprives an employing office of the desired discretion so long as the notices are posted ''in places where notices to employees are customarily posted and/or distributed in a manner by which notices are normally distributed.'' Accordingly, there is no reason to modify the regulations, as requested by the commenter.

L. Enforcement of decisions of the Assistant Secretary of Labor

In the NPR, the Board found good cause to modify section 2428.3 of the FLRA's regulations to delete the requirement in section 2428.3(a) that the Board enforce any decision or order of the Assistant Secretary of Labor (Assistant Secretary) unless it is ''arbitrary and capricious or based upon manifest disregard of the law.'' Noting that section 225(f)(3) of the CAA specifically states that the CAA does not authorize executive branch enforcement of the Act, the Board concluded that it should not adopt a regulatory provision that would require the Board to defer to decisions of an executive branch agency.

Two commenters asserted that the Board did not have good cause to modify the FLRA's regulation. Both argued that requiring the Board to enforce a decision and order of the Assistant Secretary is not tantamount to executive branch enforcement of the Act.

The Board continues to be of the view that, in order to give full effect to section 225(f)(3) of the CAA, it should not defer to decisions of the Assistant Secretary. There is thus good cause to modify section 2428.3 of the FLRA's regulations.

M. Regulations under section 220(d)(2)(B) of the CAA

Section 220(d)(2)(B) of the CAA provides that, in issuing regulations to implement section 220, the Board may modify the FLRA's regulations ''as the Board deems necessary to avoid a conflict of interest or appearance of a conflict of interest.'' In the ANPR, the Board requested commenters to identify, where applicable, why a proposed modification of the FLRA's regulations is necessary to avoid a conflict of interest or appearance thereof. In this regard, commenters were advised not only to fully and specifically describe the conflict of interest or appearance thereof that they believed would exist were the pertinent FLRA regulations not modified, but also to explain the necessity for avoiding the asserted conflict or appearance of conflict and how any proposed modification would avoid the identified concerns.

In response to the ANPR, one commenter argued that the posting requirements of sections 2422.7 and 2422.23 of the FLRA's regulations should be modified. In the NPR, the Board discussed the commenter's suggested modifications and determined that the modifications were not necessary under section 220(d)(2)(B). No other modifications were requested or discussed.

Another commenter has now urged the Board to ''promulgate a regulation for the exclusion from a bargaining unit of any employee whose membership or participation in the labor organization would present an actual or apparent conflict of interest with the duties of the employee'' in order to ''eliminate by regulation the possibility, or even the appearance of the possibility, that the contents of legislation or legislative policy might be influenced by union membership of

Congressional employees.'' This commenter provided no additional explanation for the proposed regulation. Nor did the commenter provide a list of the employees who should be so excluded (or, indeed, any examples).

The Board has concluded that it is appropriate to adopt a regulation authorizing parties in appropriate circumstances to assert, and the Board to decide where appropriate and relevant, that a conflict of interest (real or apparent) exists that makes it necessary for the Board to modify a requirement that would otherwise be applicable. The regulation is found at section 2420.2.

III. Method of Approval

The Board received no comments on the method of approval for these regulations. Therefore, the Board continues to recommend that (1) the version of the regulations that shall apply to the Senate and employees of the Senate should be approved by the Senate by resolution; (2) the version of the regulations that shall apply to the House of Representatives and employees of the House of Representatives should be approved by the House of Representatives by resolution; and (3) the version of the regulations that apply to other covered employees and employing offices should be approved by concurrent resolution.

Accordingly, the Board of Directors of the Office of Compliance hereby adopts and submits for approval by the Congress the following regulations.

Signed at Washington, D.C., on this 9th day of July, 1996.

GLEN D. NAGER,
Chair of the Board of Directors,
Office of Compliance.

ADOPTED REGULATIONS

Subchapter C

2420 Purpose and scope
2421 Meaning of terms as used in this subchapter
2422 Representation proceedings
2423 Unfair labor practice proceedings
2424 Expedited review of negotiability issues
2425 Review of arbitration awards
2426 National consultation rights and consultation rights on Government-wide rules or regulations
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Subchapter C

PART 2420—PURPOSE AND SCOPE

§ 2420.1 Purpose and scope.

The regulations contained in this subchapter are designed to implement the provisions of chapter 71 of title 5 of the United States Code, as applied by section 220 of the Congressional Accountability Act (CAA). They prescribe the procedures, basic principles or criteria under which the Board and the General Counsel, as applicable, will:

(a) Determine the appropriateness of units for labor organization representation under 5 U.S.C. 7112, as applied by the CAA;

(b) Supervise or conduct elections to determine whether a labor organization has been selected as an exclusive representative by a majority of the employees in an appropriate unit and otherwise administer the provisions of 5 U.S.C. 7111, as applied by the CAA, relating to the according of exclusive recognition to labor organizations;

(c) Resolve issues relating to the granting of national consultation rights under 5 U.S.C. 7113, as applied by the CAA;

(d) Resolve issues relating to determining compelling need for employing office rules and regulations under 5 U.S.C. 7117(b), as applied by the CAA;

(e) Resolve issues relating to the duty to bargain in good faith under 5 U.S.C. 7117(c), as applied by the CAA;

(f) Resolve issues relating to the granting of consultation rights with respect to conditions of employment under 5 U.S.C. 7117(d), as applied by the CAA;

(g) Conduct hearings and resolve complaints of unfair labor practices under 5 U.S.C. 7118, as applied by the CAA;

(h) Resolve exceptions to arbitrators' awards under 5 U.S.C. 7122, as applied by the CAA; and

(i) Take such other actions as are necessary and appropriate effectively to administer the provisions of chapter 71 of title 5 of the United States Code, as applied by the CAA.

§ 2420.2

Notwithstanding any other provisions of these regulations, the Board may, in deciding an issue, add to, delete from or modify otherwise applicable requirements as the Board deems necessary to avoid a conflict of interest or the appearance of a conflict of interest.

PART 2421—MEANING OF TERMS AS USED IN THIS SUBCHAPTER

Sec.
2421.1 Act; CAA.
2421.2 Chapter 71.
2421.3 General Definitions.
2421.4 National consultation rights; consultation rights on Government-wide rules or regulations; exclusive recognition; unfair labor practices.
2421.5 Activity.
2421.6 Primary national subdivision.
2421.7 Executive Director.
2421.8 Hearing Officer.
2421.9 Party.
2421.10 Intervenor.
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2421.12 Appropriate unit.
2421.13 Secret ballot.
2421.14 Showing of interest.
2421.15 Regular and substantially equivalent employment.
2421.16 Petitioner.
2421.17 Eligibility Period.
2421.18 Election Agreement.
2421.19 Affected by Issues raised.
2421.20 Determinative challenged ballots.

§ 2421.1 Act; CAA.

The terms ''Act'' and ''CAA'' mean the Congressional Accountability Act of 1995 (P.L. 104–1, 109 Stat. 3, 2 U.S.C. §§ 1301–1438).

§ 2421.2 Chapter 71.

The term ''chapter 71'' means chapter 71 of title 5 of the United States Code.

§ 2421.3 General Definitions.

(a) The term ''person'' means an individual, labor organization or employing office.

(b) Except as noted in subparagraph (3) of this subsection, the term ''employee'' means an individual—

(1) Who is a current employee, applicant for employment, or former employee of: the House of Representatives; the Senate; the Capitol Guide Service; the Capitol Police; the Congressional Budget Office; the Office of the Architect of the Capitol; the Office of the Attending Physician; the Office of Compliance; or the Office of Technology Assessment; or

(2) Whose employment in an employing office has ceased because of any unfair labor practice under section 7116 of title 5 of the United States Code, as applied by the CAA, and who has not obtained any other regular and substantially equivalent employment as determined under regulations prescribed by the Board, but does not include—

(i) An alien or noncitizen of the United States who occupies a position outside of the United States;

(ii) A member of the uniformed services;

(iii) A supervisor or a management official or;

(iv) Any person who participates in a strike in violation of section 7311 of title 5 of the United States Code, as applied by the CAA.

(3) For the purpose of determining the adequacy of a showing of interest or eligibility for consultation rights, except as required by law, applicants for employment and former employees are not considered employees.

(c) The term ''employing'' office means—

(1) The personal office of a Member of the House of Representatives or of a Senator;

(2) A committee of the House of Representatives or the Senate or a joint committee;

(3) Any other office headed by a person with the final authority to appoint, hire, discharge, and set the terms, conditions, or privileges of the employment of an employee of the House of Representatives or the Senate; or

(4) The Capitol Guide Board, the Capitol Police Board, the Congressional Budget Office, the Office of the Architect of the Capitol, the Office of the Attending Physician, the Office of Compliance, and the Office of Technology Assessment.

(d) The term ''labor organization'' means an organization composed in whole or in part of employees, in which employees participate and pay dues, and which has as a purpose the dealing with an employing office concerning grievances and conditions of employment, but does not include—

(1) An organization which, by its constitution, bylaws, tacit agreement among its members, or otherwise, denies membership because of race, color, creed, national origin, sex, age, preferential or nonpreferential civil service status, political affiliation, marital status, or disability;

(2) An organization which advocates the overthrow of the constitutional form of government of the United States;

(3) An organization sponsored by an employing office; or

(4) An organization which participates in the conduct or a strike against the Government or any agency thereof or imposes a duty or obligation to conduct, assist, or participate in such a strike.

(e) The term ''dues'' means dues, fees, and assessments.

(f) The term ''Board'' means the Board of Directors of the Office of Compliance.

(g) The term ''collective bargaining agreement'' means an agreement entered into as a result of collective bargaining pursuant to the provisions of chapter 71 of title 5 of the United States Code, as applied by the CAA.

(h) The term ''grievance'' means any complaint—

(1) By any employee concerning any matter relating to the employment of the employee;

(2) By any labor organization concerning any matter relating to the employment of any employee; or

(3) By any employee, labor organization, or employing office concerning—

(i) The effect or interpretation, or a claim of breach, of a collective bargaining agreement; or

(ii) Any claimed violation, misinterpretation, or misapplication of any law, rule, or regulation affecting conditions of employment.

(i) The term ''supervisor'' means an individual employed by an employing office having authority in the interest of the employing office to hire, direct, assign, promote, reward, transfer, furlough, layoff, recall, suspend, discipline, or remove employees, to adjust their grievances, or to effectively recommend such action, if the exercise of the authority is not merely routine or clerical in nature, but requires the consistent exercise of independent judgment, except that, with respect to any unit which includes firefighters or nurses, the term ''supervisor'' includes only those individuals who devote a preponderance of their employment time to exercising such authority.

(j) The term ''management official'' means an individual employed by an employing office in a position the duties and responsibilities of which require or authorize the individual to formulate, determine, or influence the policies of the employing office.

(k) The term ''collective bargaining'' means the performance of the mutual obligation of the representative of an employing office and the exclusive representative of employees in an appropriate unit in the employing office to meet at reasonable times and to consult and bargain in a good-faith effort to reach agreement with respect to the conditions of employment affecting such employees and to execute, if requested by either party, a written document incorporating any collective bargaining agreement reached, but the obligation referred to in this paragraph does not compel either party to agree to a proposal or to make a concession.

(l) The term ''confidential employee'' means an employee who acts in a confidential capacity with respect to an individual who formulates or effectuates management policies in the field of labor-management relations.

(m) The term ''conditions of employment'' means personnel policies, practices, and matters, whether established by rule, regulation, or otherwise, affecting working conditions, except that such term does not include policies, practices, and matters—

(1) Relating to political activities prohibited under subchapter III of chapter 73 of title 5 of the United States Code, as applied by the CAA;

(2) Relating to the classification of any position; or

(3) To the extent such matters are specifically provided for by Federal statute.

(n) The term ''professional employee'' means—

(1) An employee engaged in the performance of work—

(i) Requiring knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study in an institution of higher learning or a hospital (as distinguished from knowledge acquired by a general academic education, or from an apprenticeship, or from training in the performance of routine mental, manual, mechanical, or physical activities);

(ii) Requiring the consistent exercise of discretion and judgment in its performance;

(iii) Which is predominantly intellectual and varied in character (as distinguished from routine mental, manual, mechanical, or physical work); and

(iv) Which is of such character that the output produced or the result accomplished by such work cannot be standardized in relation to a given period of time; or

(2) An employee who has completed the courses of specialized intellectual instruction and study described in subparagraph (1)(i) of this paragraph and is performing related work under appropriate direction and guidance to qualify the employee as a professional employee described in subparagraph (1) of this paragraph.

(o) The term ''exclusive representative'' means any labor organization which is certified as the exclusive representative of employees in an appropriate unit pursuant to section 7111 of title 5 of the United States Code, as applied by the CAA.

(p) The term ''firefighter'' means any employee engaged in the performance of work directly connected with the control and extinguishment of fires or the maintenance and use of firefighting apparatus and equipment.

(q) The term ''United States'' means the 50 states, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, the Trust Territory of the Pacific Islands, and any territory or possession of the United States.

(r) The term ''General Counsel'' means the General Counsel of the Office of Compliance.

(s) The term ''Assistant Secretary'' means the Assistant Secretary of Labor for Labor-Management Relations.

§ 2421.4 National consultation rights; consultation rights on Government-wide rules or regulations; exclusive recognition; unfair labor practices.

(a)(1) The term ''national consultation rights'' means that a labor organization that is the exclusive representative of a substantial number of the employees of the employing office, as determined in accordance with criteria prescribed by the Board, shall—

(i) Be informed of any substantive change in conditions of employment proposed by the employing office; and

(ii) Be permitted reasonable time to present its views and recommendations regarding the changes.

(2) National consultation rights shall terminate when the labor organization no longer meets the criteria prescribed by the Board. Any issue relating to any labor organization's eligibility for, or continuation of, national consultation rights shall be subject to determination by the Board.

(b)(1) The term ''consultation rights on Government-wide rules or regulations'' means that a labor organization which is the exclusive representative of a substantial number of employees of an employing office determined in accordance with criteria prescribed by the Board, shall be granted consultation rights by the employing office with respect to any Government-wide rule or regulation issued by the employing office effecting any substantive change in any condition of employment. Such consultation rights shall terminate when the labor organization no longer meets the criteria prescribed by the Board. Any issue relating to a labor organization's eligibility for, or continuation of, such consultation rights shall be subject to determination by the Board.

(2) A labor organization having consultation rights under paragraph (1) of this subsection shall—

(i) Be informed of any substantive change in conditions of employment proposed by the employing office; and

(ii) shall be permitted reasonable time to present its views and recommendations regarding the changes.

(3) If any views or recommendations are presented under paragraph (2) of this subsection to an employing office by any labor organization—

(i) The employing office shall consider the views or recommendations before taking final action on any matter with respect to which the views or recommendations are presented; and

(ii) The employing office shall provide the labor organization a written statement of the reasons for taking the final action.

(c) The term ''exclusive recognition'' means that a labor organization has been selected as the sole representative, in a secret ballot election, by a majority of the employees in an appropriate unit who cast valid ballots in an election.

(d) The term ''unfair labor practices'' means—

(1) Any of the following actions taken by an employing office—

(i) Interfering with, restraining, or coercing any employee in the exercise by the employee of any right under chapter 71, as applied by the CAA;

(ii) Encouraging or discouraging membership in any labor organization by discrimination in connection with hiring, tenure, promotion, or other condition of employment;

(iii) Sponsoring, controlling, or otherwise assisting any labor organization, other than to furnish, upon request, customary and routine services and facilities if the services and facilities are also furnished on an impartial basis to other labor organizations having equivalent status;

(iv) Disciplining or otherwise discriminating against an employee because the employee has filed a complaint, affidavit, or petition, or has given any information or testimony under chapter 71, as applied by the CAA;

(v) Refusing to consult or negotiate in good faith with a labor organization as required by chapter 71, as applied by the CAA;

(vi) Failing or refusing to cooperate in impasse procedures and impasse decisions as required by chapter 71, as applied by the CAA;

(vii) Enforcing any rule or regulation (other than a rule or regulation implementing section 2302 of this title) which is in conflict with any applicable collective bargaining agreement if the agreement was in effect before the date the rule or regulation was prescribed; or

(viii) Otherwise failing or refusing to comply with any provision of chapter 71, as applied by the CAA;

(2) Any of the following actions taken by a labor organization—

(i) Interfering with, restraining, or coercing any employee in the exercise by the employee of any right under this chapter;

(ii) Causing or attempting to cause an employing office to discriminate against any employee in the exercise by the employee of any right under this chapter;

(iii) Coercing, disciplining, fining, or attempting to coerce a member of the labor organization as punishment, reprisal, or for the purpose of hindering or impeding the member's work performance or productivity as an employee or the discharge of the member's duties as an employee;

(iv) Discriminating against an employee with regard to the terms or conditions of membership in the labor organization on the basis of race, color, creed, national origin, sex, age, preferential or nonpreferential civil service status, political affiliation, marital status, or disability;

(v) Refusing to consult or negotiate in good faith with an employing office as required by chapter 71, as applied by the CAA;

(vi) Failing or refusing to cooperate in impasse procedures and impasse decisions as required by chapter 71, as applied by the CAA;

(vii)(A) Calling, or participating in, a strike, work stoppage, or slowdown, or picketing of an employing office in a labor-management dispute if such picketing interferes with an employing office's operations; or

(B) Condoning any activity described in subparagraph (A) of this paragraph by failing to take action to prevent or stop such activity; or

(viii) Otherwise failing or refusing to comply with any provision of chapter 71, as applied by the CAA;

(3) Denial of membership by an exclusive representative to any employee in the appropriate unit represented by such exclusive representative except for failure—

(i) To meet reasonable occupational standards uniformly required for admission, or

(ii) To tender dues uniformly required as a condition of acquiring and retaining membership.

§ 2421.5 Activity.

The term ''activity'' means any facility, organizational entity, or geographical subdivision or combination thereof, of any employing office.

§ 2421.6 Primary national subdivision.

''Primary national subdivision'' of an employing office means a first-level organizational segment which has functions national in scope that are implemented in field activities.

§ 2421.7 Executive Director.

''Executive Director'' means the Executive Director of the Office of Compliance.

§ 2421.8 Hearing Officer.

The term ''Hearing Officer'' means any individual designated by the Executive Director to preside over a hearing conducted pursuant to section 405 of the CAA on matters within the Office's jurisdiction, including a hearing arising in cases under 5 U.S.C. 7116, as applied by the CAA, and any other such matters as may be assigned.

§ 2421.9 Party.

The term ''party'' means:

(a) Any labor organization, employing office or employing activity or individual filing a charge, petition, or request;

(b) Any labor organization or employing office or activity

(1) Named as

(i) A charged party in a charge,

(ii) A respondent in a complaint, or

(iii) An employing office or activity or an incumbent labor organization in a petition;

(2) Whose intervention in a proceeding has been permitted or directed by the Board; or

(3) Who participated as a party

(i) In a matter that was decided by an employing office head under 5 U.S.C. 7117, as applied by the CAA, or

(ii) In a matter where the award of an arbitrator was issued; and

(c) The General Counsel, or the General Counsel's designated representative, in appropriate proceedings.

§ 2421.10 Intervenor.

The term ''intervenor'' means a party in a proceeding whose intervention has been permitted or directed by the Board, its agents or representatives.

§ 2421.11 Certification.

The term ''certification'' means the determination by the Board, its agents or representatives, of the results of an election, or the results of a petition to consolidate existing exclusively recognized units.

§ 2421.12 Appropriate unit.

The term ''appropriate unit'' means that grouping of employees found to be appropriate for purposes of exclusive recognition under 5 U.S.C. 7111, as applied by the CAA, and for purposes of allotments to representatives under 5 U.S.C. 7115(c), as applied by the CAA, and consistent with the provisions of 5 U.S.C. 7112, as applied by the CAA.

§ 2421.13 Secret ballot.

The term ''secret ballot'' means the expression by ballot, voting machine or otherwise, but in no event by proxy, of a choice with respect to any election or vote taken upon any matter, which is cast in such a manner that the person expressing such choice cannot be identified with the choice expressed, except in that instance in which any determinative challenged ballot is opened.

§ 2421.14 Showing of interest.

The term ''showing of interest'' means evidence of membership in a labor organization; employees' signed and dated authorization cards or petitions authorizing a labor organization to represent them for purposes of exclusive recognition; allotment of dues forms executed by an employee and the labor organization's authorized official; current dues records; an existing or recently expired agreement; current certification; employees' signed and dated petitions or cards indicating that they no longer desire to be represented for the purposes of exclusive recognition by the currently certified labor organization; employees' signed and dated petitions or cards indicating a desire that an election be held on a proposed consolidation of units; or other evidence approved by the Board.

§ 2421.15 Regular and substantially equivalent employment.

The term ''regular and substantially equivalent employment'' means employment that entails substantially the same amount of work, rate of pay, hours, working conditions, location of work, kind of work, and seniority rights, if any, of an employee prior to the cessation of employment in an employing office because of any unfair labor practice under 5 U.S.C. 7116, as applied by the CAA.

§ 2421.16 Petitioner.

Petitioner means the party filing a petition under Part 2422 of this Subchapter.

§ 2421.17 Eligibility period.

The term ''eligibility period'' means the payroll period during which an employee must be in an employment status with an employing office or activity in order to be eligible to vote in a representation election under Part 2422 of this Subchapter.

§ 2421.18 Election agreement.

The term ''election agreement'' means an agreement under Part 2422 of this Subchapter signed by all the parties, and approved by the Board, the Executive Director, or any other individual designated by the Board, concerning the details and procedures of a representation election in an appropriate unit.

§ 2421.19 Affected by issues raised.

The phrase ''affected by issues raised'', as used in Part 2422, should be construed broadly to include parties and other labor organizations, or employing offices or activities that have a connection to employees affected by, or questions presented in, a proceeding.

§ 2421.20 Determinative challenged ballots.

''Determinative challenged ballots'' are challenges that are unresolved prior to the tally and sufficient in number after the tally to affect the results of the election.

PART 2422—REPRESENTATION PROCEEDINGS

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§ 2422.1 Purposes of a petition.

A petition may be filed for the following purposes:

(a) *Elections or Eligibility for dues allotment.* To request:

(1) (i) An election to determine if employees in an appropriate unit wish to be represented for the purpose of collective bargaining by an exclusive representative; and/or

(ii) A determination of eligibility for dues allotment in an appropriate unit without an exclusive representative; or

(2) An election to determine if employees in a unit no longer wish to be represented for the purpose of collective bargaining by an exclusive representative.

(3) Petitions under this subsection must be accompanied by an appropriate showing of interest.

(b) *Clarification or Amendment.* To clarify, and/or amend:

(1) A certification then in effect; and/or

(2) Any other matter relating to representation.

(c) *Consolidation.* To consolidate two or more units, with or without an election, in an employing office and for which a labor organization is the exclusive representative.

§ 2422.2 Standing to file a petition.

A representation petition may be filed by: an individual; a labor organization; two or more labor organizations acting as a joint-petitioner; an individual acting on behalf of any employee(s); an employing office or activity; or a combination of the above: *provided, however,* that (a) only a labor organization has standing to file a petition pursuant to section 2422.1(a)(1); (b) only an individual has standing to file a petition pursuant to section 2422.1(a)(2); and (c) only an employing office or a labor organization may file a petition pursuant to section 2422.1(b) or (c).

§ 2422.3 Contents of a petition.

(a) *What to file.* A petition must be filed on a form prescribed by the Board and contain the following information:

(1) The name and mailing address for each employing office or activity affected by issues raised in the petition, including street number, city, state and zip code.

(2) The name, mailing address and work telephone number of the contact person for each employing office or activity affected by issues raised in the petition.

(3) The name and mailing address for each labor organization affected by issues raised in the petition, including street number,

city, state and zip code. If a labor organization is affiliated with a national organization, the local designation and the national affiliation should both be included. If a labor organization is an exclusive representative of any of the employees affected by issues raised in the petition, the date of the certification and the date any collective bargaining agreement covering the unit will expire or when the most recent agreement did expire should be included, if known.

(4) The name, mailing address and work telephone number of the contact person for each labor organization affected by issues raised in the petition.

(5) The name and mailing address for the petitioner, including street number, city, state and zip code. If a labor organization petitioner is affiliated with a national organization, the local designation and the national affiliation should both be included.

(6) A description of the unit(s) affected by issues raised in the petition. The description should generally indicate the geographic locations and the classifications of the employees included (or sought to be included) in, and excluded (or sought to be excluded) from, the unit.

(7) The approximate number of employees in the unit(s) affected by issues raised in the petition.

(8) A clear and concise statement of the issues raised by the petition and the results the petitioner seeks.

(9) A declaration by the person signing the petition, under the penalties of the Criminal Code (18 U.S.C. 1001), that the contents of the petition are true and correct to the best of the person's knowledge and belief.

(10) The signature, title, mailing address and telephone number of the person filing the petition.

(b) *Compliance with 5 U.S.C. 7111(e), as applied by the CAA.* A labor organization/petitioner complies with 5 U.S.C. 7111(e), as applied by the CAA, by submitting to the employing office or activity and to the Department of Labor a roster of its officers and representatives, a copy of its constitution and bylaws, and a statement of its objectives. By signing the petition form, the labor organization/petitioner certifies that it has submitted these documents to the employing activity or office and to the Department of Labor.

(c) *Showing of interest supporting a representation petition.* When filing a petition requiring a showing of interest, the petitioner must:

(1) So indicate on the petition form;

(2) Submit with the petition a showing of interest of not less than thirty percent (30%) of the employees in the unit involved in the petition; and

(3) Include an alphabetical list of the names constituting the showing of interest.

(d) *Petition seeking dues allotment.* When there is no exclusive representative, a petition seeking certification for dues allotment shall be accompanied by a showing of membership in the petitioner of not less than ten percent (10%) of the employees in the unit claimed to be appropriate. An alphabetical list of names constituting the showing of membership must be submitted.

§ 2422.4 Service requirements.

Every petition, motion, brief, request, challenge, written objection, or application for review shall be served on all parties affected by issues raised in the filing. The service shall include all documentation in support thereof, with the exception of a showing of interest, evidence supporting challenges to the validity of a showing of interest, and evidence supporting objections to an election. The filer must submit a written statement of service to the Executive Director.

§ 2422.5 Filing petitions.

(a) *Where to file.* Petitions must be filed with the Executive Director.

(b) *Number of copies.* An original and two (2) copies of the petition and the accompanying material must be filed with the Executive Director.

(c) *Date of filing.* A petition is filed when it is received by the Executive Director.

§ 2422.6 Notification of filing.

(a) *Notification to parties.* After a petition is filed, the Executive Director, on behalf of the Board, will notify any labor organization, employing office or employing activity that the parties have identified as being affected by issues raised by the petition, that a petition has been filed with the Office. The Executive Director, on behalf of the Board, will also make reasonable efforts to identify and notify any other party affected by the issues raised by the petition.

(b) *Contents of the notification.* The notification will inform the labor organization, employing office or employing activity of:

(1) The name of the petitioner;

(2) The description of the unit(s) or employees affected by issues raised in the petition; and,

(3) A statement that all affected parties should advise the Executive Director in writing of their interest in the issues raised in the petition.

§ 2422.7 Posting notice of filing of a petition.

(a) *Posting notice of petition.* When appropriate, the Executive Director, on behalf of the Board, after the filing of a representation petition, will direct the employing office or activity to post copies of a notice to all employees in places where notices are normally posted for the employees affected by issues raised in the petition and/or distribute copies of a notice in a manner by which notices are normally distributed.

(b) *Contents of notice.* The notice shall advise affected employees about the petition.

(c) *Duration of notice.* The notice should be conspicuously posted for a period of ten (10) days and not be altered, defaced, or covered by other material.

§ 2422.8 Intervention and cross-petitions.

(a) *Cross-petitions.* A cross-petition is a petition which involves any employees in a unit covered by a pending representation petition. Cross-petitions must be filed in accordance with this subpart.

(b) *Intervention requests and cross-petitions.* A request to intervene and a cross-petition, accompanied by any necessary showing of interest, must be submitted in writing and filed with the Executive Director before the pre-election investigatory hearing opens, unless good cause is shown for granting an extension. If no pre-election investigatory hearing is held, a request to intervene and a cross-petition must be filed prior to action being taken pursuant to § 2422.30.

(c) *Labor organization intervention requests.* Except for incumbent intervenors, a labor organization seeking to intervene shall submit a statement that it has complied with 5 U.S.C. 7111(e), as applied by the CAA, and one of the following:

(1) A showing of interest of ten percent (10%) or more of the employees in the unit covered by a petition seeking an election, with an alphabetical list of the names of the employees constituting the showing of interest; or

(2) A current or recently expired collective bargaining agreement covering any of the employees in the unit affected by issues raised in the petition; or

(3) Evidence that it is or was, prior to a reorganization, the certified exclusive representative of any of the employees affected by issues raised in the petition.

(d) *Incumbent.* An incumbent exclusive representative, without regard to the requirements of paragraph (c) of this section, will be considered a party in any representation proceeding raising issues that affect employees the incumbent represents, unless it serves the Board, through the Executive Director, with a written disclaimer of any representation interest in the claimed unit.

(e) *Employing office.* An employing office or activity will be considered a party if any of its employees are affected by issues raised in the petition.

(f) *Employing office or activity intervention.* An employing office or activity seeking to intervene in any representation proceeding must submit evidence that one or more employees of the employing office or activity may be affected by issues raised in the petition.

§ 2422.9 Adequacy of showing of interest.

(a) *Adequacy.* Adequacy of a showing of interest refers to the percentage of employees in the unit involved as required by §§ 2422.3 (c) and (d) and 2422.8(c)(1).

(b) *Executive Director investigation and action.* The Executive Director, on behalf of the Board, will conduct such investigation as deemed appropriate. The Executive Director's determination, on behalf of the Board, that the showing of interest is adequate is final and binding and not subject to collateral attack at a representation hearing or on appeal to the Board. If the Executive Director determines, on behalf of the Board, that a showing of interest is inadequate, the Executive Director will dismiss the petition, or deny a request for intervention.

§ 2422.10 Validity of showing of interest.

(a) *Validity.* Validity questions are raised by challenges to a showing of interest on grounds other than adequacy.

(b) *Validity challenge.* The Executive Director or any party may challenge the validity of a showing of interest.

(c) *When and where validity challenges may be filed.* Party challenges to the validity of a showing of interest must be in writing and filed with the Executive Director before the pre-election investigatory hearing opens, unless good cause is shown for granting an extension. If no pre-election investigatory hearing is held, challenges to the validity of a showing of interest must be filed prior to action being taken pursuant to § 2422.30.

(d) *Contents of validity challenges.* Challenges to the validity of a showing of interest must be supported with evidence.

(e) *Executive Director investigation and action.* The Executive Director, on behalf of the Board, will conduct such investigation as deemed appropriate. The Executive Director's determination, on behalf of the Board, that a showing of interest is valid is final and binding and is not subject to collateral attack or appeal to the Board. If the Executive Director finds, on behalf of the Board, that the showing of interest is not valid, the Executive Director will dismiss the petition or deny the request to intervene.

§ 2422.11 Challenge to the status of a labor organization.

(a) *Basis of challenge to labor organization status.* The only basis on which a challenge to the status of a labor organization may be made is compliance with 5 U.S.C. 7103(a)(4), as applied by the CAA.

(b) *Format and time for filing a challenge.* Any party filing a challenge to the status of a labor organization involved in the processing of a petition must do so in writing to the Executive Director before the pre-election investigatory hearing opens, unless good cause is shown for granting an extension. If no hearing is held, challenges must be filed prior to action being taken pursuant to § 2422.30.

§ 2422.12 Timeliness of petitions seeking an election.

(a) *Election bar.* Where there is no certified exclusive representative, a petition seeking

an election will not be considered timely if filed within twelve (12) months of a valid election involving the same unit or a subdivision of the same unit.

(b) *Certification bar.* Where there is a certified exclusive representative of employees, a petition seeking an election will not be considered timely if filed within twelve (12) months after the certification of the exclusive representative of the employees in an appropriate unit. If a collective bargaining agreement covering the claimed unit is pending employing office head review under 5 U.S.C. 7114(c), as applied by the CAA, or is in effect, paragraphs (c), (d), or (e) of this section apply.

(c) *Bar during employing office head review.* A petition seeking an election will not be considered timely if filed during the period of employing office head review under 5 U.S.C. 7114(c), as applied by the CAA. This bar expires upon either the passage of thirty (30) days absent employing office head action, or upon the date of any timely employing office head action.

(d) *Contract bar where the contract is for three (3) years or less.* Where a collective bargaining agreement is in effect covering the claimed unit and has a term of three (3) years or less from the date it became effective, a petition seeking an election will be considered timely if filed not more than one hundred and five (105) and not less than sixty (60) days prior to the expiration of the agreement.

(e) *Contract bar where the contract is for more than three (3) years.* Where a collective bargaining agreement is in effect covering the claimed unit and has a term of more than three (3) years from the date it became effective, a petition seeking an election will be considered timely if filed not more than one hundred and five (105) and not less than sixty (60) days prior to the expiration of the initial three (3) year period, and any time after the expiration of the initial three (3) year period.

(f) *Unusual circumstances.* A petition seeking an election or a determination relating to representation matters may be filed at any time when unusual circumstances exist that substantially affect the unit or majority representation.

(g) *Premature extension.* Where a collective bargaining agreement with a term of three (3) years or less has been extended prior to sixty (60) days before its expiration date, the extension will not serve as a basis for dismissal of a petition seeking an election filed in accordance with this section.

(h) *Contract requirements.* Collective bargaining agreements, including agreements that go into effect under 5 U.S.C. 7114(c), as applied by the CAA, and those that automatically renew without further action by the parties, do not constitute a bar to a petition seeking an election under this section unless a clear and unambiguous effective date, renewal date where applicable, duration, and termination date are ascertainable from the agreement and relevant accompanying documentation.

§ 2422.13 Resolution of issues raised by a petition.

(a) *Meetings prior to filing a representation petition.* All parties affected by the representation issues that may be raised in a petition are encouraged to meet prior to the filing of the petition to discuss their interests and narrow and resolve the issues. If requested by all parties a representative of the Office will participate in these meetings.

(b) *Meetings to narrow and resolve the issues after the petition is filed.* After a petition is filed, the Executive Director may require all affected parties to meet to narrow and resolve the issues raised in the petition.

§ 2422.14 Effect of withdrawal/dismissal.

(a) *Withdrawal/dismissal less than sixty (60) days before contract expiration.* When a petition seeking an election that has been timely filed is withdrawn by the petitioner or dismissed by the Executive Director or the Board less than sixty (60) days prior to the expiration of an existing agreement between the incumbent exclusive representative and the employing office or activity or any time after the expiration of the agreement, another petition seeking an election will not be considered timely if filed within a ninety (90) day period from either:

(1) The date the withdrawal is approved; or

(2) The date the petition is dismissed by the Executive Director when no application for review is filed with the Board; or

(3) The date the Board rules on an application for review; or

(4) The date the Board issues a Decision and Order dismissing the petition.

Other pending petitions that have been timely filed under this Part will continue to be processed.

(b) *Withdrawal by petitioner.* A petitioner who submits a withdrawal request for a petition seeking an election that is received by the Executive Director after the notice of pre-election investigatory hearing issues or after approval of an election agreement, whichever occurs first, will be barred from filing another petition seeking an election for the same unit or any subdivision of the unit for six (6) months from the date of the approval of the withdrawal by the Executive Director.

(c) *Withdrawal by incumbent.* When an election is not held because the incumbent disclaims any representation interest in a unit, a petition by the incumbent seeking an election involving the same unit or a subdivision of the same unit will not be considered timely if filed within six (6) months of cancellation of the election.

§ 2422.15 Duty to furnish information and cooperate.

(a) *Relevant information.* After a petition is filed, all parties must, upon request of the Executive Director, furnish the Executive Director and serve all parties affected by issues raised in the petition with information concerning parties, issues, and agreements raised in or affected by the petition.

(b) *Inclusions and exclusions.* After a petition seeking an election is filed, the Executive Director, on behalf of the Board, may direct the employing office or activity to furnish the Executive Director and all parties affected by issues raised in the petition with a current alphabetized list of employees and job classifications included in and/or excluded from the existing or claimed unit affected by issues raised in the petition.

(c) *Cooperation.* All parties are required to cooperate in every aspect of the representation process. This obligation includes cooperating fully with the Executive Director, submitting all required and requested information, and participating in prehearing conferences and pre-election investigatory hearings. The failure to cooperate in the representation process may result in the Executive Director or the Board taking appropriate action, including dismissal of the petition or denial of intervention.

§ 2422.16 Election agreements or directed elections.

(a) *Election agreements.* Parties are encouraged to enter into election agreements.

(b) *Executive Director directed election.* If the parties are unable to agree on procedural matters, specifically, the eligibility period, method of election, dates, hours, or locations of the election, the Executive Director, on behalf of the Board, will decide election procedures and issue a Direction of Election, without prejudice to the rights of a party to file objections to the procedural conduct of the election.

(c) *Opportunity for an investigatory hearing.* Before directing an election, the Executive Director shall provide affected parties an opportunity for a pre-election investigatory hearing on other than procedural matters.

(d) *Challenges or objections to a directed election.* A Direction of Election issued under this section will be issued without prejudice to the right of a party to file a challenge to the eligibility of any person participating in the election and/or objections to the election.

§ 2422.17 Notice of pre-election investigatory hearing and prehearing conference.

(a) *Purpose of notice of an investigatory hearing.* The Executive Director, on behalf of the Board, may issue a notice of pre-election investigatory hearing involving any issues raised in the petition.

(b) *Contents.* The notice of hearing will advise affected parties about the pre-election investigatory hearing. The Executive Director will also notify affected parties of the issues raised in the petition and establish a date for the prehearing conference.

(c) *Prehearing conference.* A prehearing conference will be conducted by the Executive Director or her designee, either by meeting or teleconference. All parties must participate in a prehearing conference and be prepared to fully discuss, narrow and resolve the issues set forth in the notification of the prehearing conference.

(d) *No interlocutory appeal of investigatory hearing determination.* The Executive Director's determination of whether to issue a notice of pre-election investigatory hearing is not appealable to the Board.

§ 2422.18 Pre-election investigatory hearing procedures.

(a) *Purpose of a pre-election investigatory hearing.* Representation hearings are considered investigatory and not adversarial. The purpose of the hearing is to develop a full and complete record of relevant and material facts.

(b) *Conduct of hearing.* Pre-election investigatory hearings will be open to the public unless otherwise ordered by the Executive Director or her designee. There is no burden of proof, with the exception of proceedings on objections to elections as provided for in § 2422.27(b). Formal rules of evidence do not apply.

(c) *Pre-election investigatory hearing.* Pre-election investigatory hearings will be conducted by the Executive Director or her designee.

(d) *Production of evidence.* Parties have the obligation to produce existing documents and witnesses for the investigatory hearing in accordance with the instructions of the Executive Director or her designee. If a party willfully fails to comply with such instructions, the Board may draw an inference adverse to that party on the issue related to the evidence sought.

(e) *Transcript.* An official reporter will make the official transcript of the pre-election investigatory hearing. Copies of the official transcript may be examined in the Office during normal working hours. Requests by parties to purchase copies of the official transcript should be made to the official hearing reporter.

§ 2422.19 Motions.

(a) *Purpose of a motion.* Subsequent to the issuance of a notice of pre-election investigatory hearing in a representation proceeding, a party seeking a ruling, an order, or relief must do so by filing or raising a motion stating the order or relief sought and the

grounds therefor. Challenges and other filings referenced in other sections of this subpart may, in the discretion of the Executive Director or her designee, be treated as a motion.

(b) *Prehearing motions.* Prehearing motions must be filed in writing with the Executive Director. Any response must be filed with the Executive Director within five (5) days after service of the motion. The Executive Director shall rule on the motion.

(c) *Motions made at the investigatory hearing.* During the pre-election investigatory hearing, motions will be made to the Executive Director or her designee, and may be oral on the record, unless otherwise required in this subpart to be in writing. Responses may be oral on the record or in writing, but, absent permission of the Executive Director or her designee, must be provided before the hearing closes. The Executive Director or her designee will rule on motions made at the hearing.

(d) *Posthearing motions.* Motions made after the hearing closes must be filed in writing with the Board. Any response to a posthearing motion must be filed with the Board within five (5) days after service of the motion.

§ 2422.20 Rights of parties at a pre-election investigatory hearing.

(a) *Rights.* A party at a pre-election investigatory hearing will have the right:

(1) To appear in person or by a representative;

(2) To examine and cross-examine witnesses; and

(3) To introduce into the record relevant evidence.

(b) *Documentary evidence and stipulations.* Parties must submit two (2) copies of documentary evidence to the Executive Director or her designee and copies to all other parties. Stipulations of fact between/among the parties may be introduced into evidence.

(c) *Oral argument.* Parties will be entitled to a reasonable period prior to the close of the hearing for oral argument. Presentation of a closing oral argument does not preclude a party from filing a brief under paragraph (d) of this section.

(d) *Briefs.* A party will be afforded an opportunity to file a brief with the Board.

(1) An original and two (2) copies of a brief must be filed with the Board within thirty (30) days from the close of the hearing.

(2) A written request for an extension of time to file a brief must be filed with and received by the Board no later than five (5) days before the date the brief is due.

(3) No reply brief may be filed without permission of the Board.

§ 2422.21 Duties and powers of the Executive Director in the conduct of the pre-election investigatory hearing.

(a) *Duties.* The Executive Director or her designee, on behalf of the Board, will receive evidence and inquire fully into the relevant and material facts concerning the matters that are the subject of the investigatory hearing, and may make recommendations on the record to the Board.

(b) *Powers.* During the period a case is assigned to the Executive Director or her designee for pre-election investigatory hearing and prior to the close of the hearing, the Executive Director or her designee may take any action necessary to schedule, conduct, continue, control, and regulate the pre-election investigatory hearing, including ruling on motions when appropriate.

§ 2422.22 Objections to the conduct of the pre-election investigatory hearing.

(a) *Objections.* Objections are oral or written complaints concerning the conduct of a pre-election investigatory hearing.

(b) *Exceptions to rulings.* There are automatic exceptions to all adverse rulings.

§ 2422.23 Election procedures.

(a) *Executive Director conducts or supervises election.* The Executive Director, on behalf of the Board, will decide to conduct or supervise the election. In supervised elections, employing offices or activities will perform all acts as specified in the Election Agreement or Direction of Election.

(b) *Notice of election.* Prior to the election a notice of election, prepared by the Executive Director, will be posted by the employing office or activity in places where notices to employees are customarily posted and/or distributed in a manner by which notices are normally distributed. The notice of election will contain the details and procedures of the election, including the appropriate unit, the eligibility period, the date(s), hour(s) and location(s) of the election, a sample ballot, and the effect of the vote.

(c) *Sample ballot.* The reproduction of any document purporting to be a copy of the official ballot that suggests either directly or indirectly to employees that the Board endorses a particular choice in the election may constitute grounds for setting aside an election if objections are filed under § 2422.26.

(d) *Secret ballot.* All elections will be by secret ballot.

(e) *Intervenor withdrawal from ballot.* When two or more labor organizations are included as choices in an election, an intervening labor organization may, prior to the approval of an election agreement or before the direction of an election, file a written request with the Executive Director to remove its name from the ballot. If the request is not received prior to the approval of an election agreement or before the direction of an election, unless the parties and the Executive Director, on behalf of the Board, agree otherwise, the intervening labor organization will remain on the ballot. The Executive Director's decision on the request is final and not subject to the filing of an application for review with the Board.

(f) *Incumbent withdrawal from ballot in an election to decertify an incumbent representative.* When there is no intervening labor organization, an election to decertify an incumbent exclusive representative will not be held if the incumbent provides the Executive Director with a written disclaimer of any representation interest in the unit. When there is an intervenor, an election will be held if the intervening labor organization proffers a thirty percent (30%) showing of interest within the time period established by the Executive Director.

(g) *Petitioner withdraws from ballot in an election.* When there is no intervening labor organization, an election will not be held if the petitioner provides the Executive Director with a written request to withdraw the petition. When there is an intervenor, an election will be held if the intervening labor organization proffers a thirty percent (30%) showing of interest within the time period established by the Executive Director.

(h) *Observers.* All parties are entitled to representation at the polling location(s) by observers of their own selection subject to the Executive Director's approval.

(1) Parties desiring to name observers must file in writing with the Executive Director a request for specifically named observers at least fifteen (15) days prior to an election. The Executive Director may grant an extension of time for filing a request for specifically named observers for good cause where a party requests such an extension or on the Executive Director's own motion. The request must name and identify the observers requested.

(2) An employing office or activity may use as its observers any employees who are not eligible to vote in the election, except:

(i) Supervisors or management officials;

(ii) Employees who have any official connection with any of the labor organizations involved; or

(iii) Non-employees of the legislative branch.

(3) A labor organization may use as its observers any employees eligible to vote in the election, except:

(i) Employees on leave without pay status who are working for the labor organization involved; or

(ii) Employees who hold an elected office in the union.

(4) Objections to a request for specific observers must be filed with the Executive Director stating the reasons in support within five (5) days after service of the request.

(5) The Executive Director's ruling on requests for and objections to observers is final and binding and is not subject to the filing of an application for review with the Board.

§ 2422.24 Challenged ballots.

(a) *Filing challenges.* A party or the Executive Director may, for good cause, challenge the eligibility of any person to participate in the election prior to the employee voting.

(b) *Challenged ballot procedure.* An individual whose eligibility to vote is in dispute will be given the opportunity to vote a challenged ballot. If the parties and the Region are unable to resolve the challenged ballot(s) prior to the tally of ballots, the unresolved challenged ballot(s) will be impounded and preserved until a determination can be made, if necessary, by the Executive Director or the Board.

§ 2422.25 Tally of ballots.

(a) *Tallying the ballots.* When the election is concluded, the Executive Director or her designee will tally the ballots.

(b) *Service of the tally.* When the tally is completed, the Executive Director will serve the tally of ballots on the parties in accordance with the election agreement or direction of election.

(c) *Valid ballots cast.* Representation will be determined by the majority of the valid ballots cast.

§ 2422.26 Objections to the election.

(a) *Filing objections to the election.* Objections to the procedural conduct of the election or to conduct that may have improperly affected the results of the election may be filed by any party. Objections must be filed and received by the Executive Director within five (5) days after the tally of ballots has been served. Any objections must be timely regardless of whether the challenged ballots are sufficient in number to affect the results of the election. The objections must be supported by clear and concise reasons. An original and two (2) copies of the objections must be received by the Executive Director.

(b) *Supporting evidence.* The objecting party must file with the Executive Director evidence, including signed statements, documents and other materials supporting the objections within ten (10) days after the objections are filed.

§ 2422.27 Determinative challenged ballots and objections.

(a) *Investigation.* The Executive Director, on behalf of the Board, will investigate objections and/or determinative challenged ballots that are sufficient in number to affect the results of the election.

(b) *Burden of proof.* A party filing objections to the election bears the burden of proof by a preponderance of the evidence concerning those objections. However, no party bears the burden of proof on challenged ballots.

(c) *Executive Director action.* After investigation, the Executive Director will take appropriate action consistent with § 2422.30.

(d) *Consolidated hearing on objections and/or determinative challenged ballots and an unfair labor practice hearing.* When appropriate, and in accordance with §2422.33, objections and/or determinative challenged ballots may be consolidated with an unfair labor practice hearing. Such consolidated hearings will be conducted by a Hearing Officer. Exceptions and related submissions must be filed with the Board and the Board will issue a decision in accordance with Part 2423 of this chapter and section 406 of the CAA, except for the following:

(1) Section 2423.18 of this Subchapter concerning the burden of proof is not applicable;

(2) The Hearing Officer may not recommend remedial action to be taken or notices to be posted; and,

(3) References to ''charge'' and ''complaint'' in Part 2423 of this chapter will be omitted.

§2422.28 Runoff elections.

(a) *When a runoff may be held.* A runoff election is required in an election involving at least three (3) choices, one of which is ''no union'' or ''neither,'' when no choice receives a majority of the valid ballots cast. However, a runoff may not be held until the objections to the election and determinative challenged ballots have been resolved.

(b) *Eligibility.* Employees who were eligible to vote in the original election and who are also eligible on the date of the runoff election may vote in the runoff election.

(c) *Ballot.* The ballot in the runoff election will provide for a selection between the two choices receiving the largest and second largest number of votes in the election.

§2422.29 Inconclusive elections.

(a) *Inconclusive elections.* An inconclusive election is one where challenged ballots are not sufficient to affect the outcome of the election and one of the following occurs:

(1) The ballot provides for at least three (3) choices, one of which is ''no union'' or ''neither'' and the votes are equally divided; or

(2) The ballot provides for at least three (3) choices, the choice receiving the highest number of votes does not receive a majority, and at least two other choices receive the next highest and same number of votes; or

(3) When a runoff ballot provides for a choice between two labor organizations and results in the votes being equally divided; or

(4) When the Board determines that there have been significant procedural irregularities.

(b) *Eligibility to vote in a rerun election.* A current payroll period will be used to determine eligibility to vote in a rerun election.

(c) *Ballot.* If a determination is made that the election is inconclusive, the election will be rerun with all the choices that appeared on the original ballot.

(d) *Number of reruns.* There will be only one rerun of an inconclusive election. If the rerun results in another inconclusive election, the tally of ballots will indicate a majority of valid ballots has not been cast for any choice and a certification of results will be issued. If necessary, a runoff may be held when an original election is rerun.

§2422.30 Executive Director investigations, notices of pre-election investigatory hearings, and actions; Board Decisions and Orders.

(a) *Executive Director investigation.* The Executive Director, on behalf of the Board, will make such investigation of the petition and any other matter as the Executive Director deems necessary.

(b) *Executive Director notice of pre-election investigatory hearing.* On behalf of the Board, the Executive Director will issue a notice of pre-election investigatory hearing to inquire into any matter about which a material issue of fact exists, where there is an issue as to whether a question concerning representation exists, and any time there is reasonable cause to believe a question exists regarding unit appropriateness.

(c) *Executive Director action.* After investigation and/or hearing, when a pre-election investigatory hearing has been ordered, the Executive Director may, on behalf of the Board, approve an election agreement, dismiss a petition or deny intervention where there is an inadequate or invalid showing of interest, or dismiss a petition where there is an undisputed bar to further processing of the petition under law, rule or regulation.

(d) *Appeal of Executive Director action.* A party may file with the Board an application for review of an Executive Director action taken pursuant to section (c) above.

(e) *Contents of the Record.* When no pre-election investigatory hearing has been conducted all material submitted to and considered by the Executive Director during the investigation becomes a part of the record. When a pre-election investigatory hearing has been conducted, the transcript and all material entered into evidence, including any posthearing briefs, become a part of the record.

(f) *Transfer of record to Board; Board Decisions and Orders.* In cases that are submitted to the Board for decision in the first instance, the Board shall decide the issues presented based upon the record developed by the Executive Director, including the transcript of the pre-election investigatory hearing, if any, documents admitted into the record and briefs and other approved submissions from the parties. The Board may direct that a secret ballot election be held, issue an order dismissing the petition, or make such other disposition of the matter as it deems appropriate.

§2422.31 Application for review of an Executive Director action.

(a) *Filing an application for review.* A party must file an application for review with the Board within sixty (60) days of the Executive Director's action. The sixty (60) day time limit provided for in 5 U.S.C. 7105(f), as applied by the CAA, may not be extended or waived.

(b) *Contents.* An application for review must be sufficient to enable the Board to rule on the application without recourse to the record; however, the Board may, in its discretion, examine the record in evaluating the application. An application must specify the matters and rulings to which exception(s) is taken, include a summary of evidence relating to any issue raised in the application, and make specific reference to page citations in the transcript if a hearing was held. An application may not raise any issue or rely on any facts not timely presented to the Executive Director.

(c) *Review.* The Board may, in its discretion, grant an application for review when the application demonstrates that review is warranted on one or more of the following grounds:

(1) The decision raises an issue for which there is an absence of precedent;

(2) Established law or policy warrants reconsideration; or,

(3) There is a genuine issue over whether the Executive Director has:

(i) Failed to apply established law;

(ii) Committed a prejudicial procedural error;

(iii) Committed a clear and prejudicial error concerning a substantial factual matter.

(d) *Opposition.* A party may file with the Board an opposition to an application for review within ten (10) days after the party is served with the application. A copy must be served on the Executive Director and all other parties and a statement of service must be filed with the Board.

(e) *Executive Director action becomes the Board's action.* An action of the Executive Director becomes the action of the Board when:

(1) No application for review is filed with the Board within sixty (60) days after the date of the Executive Director's action; or

(2) A timely application for review is filed with the Board and the Board does not undertake to grant review of the Executive Director's action within sixty (60) days of the filing of the application; or

(3) The Board denies an application for review of the Executive Director's action.

(f) *Board grant of review and stay.* The Board may rule on the issue(s) in an application for review in its order granting the application for review. Neither filing nor granting an application for review shall stay any action ordered by the Executive Director unless specifically ordered by the Board.

(g) *Briefs if review is granted.* If the Board does not rule on the issue(s) in the application for review in its order granting review, the Board may, in its discretion, afford the parties an opportunity to file briefs. The briefs will be limited to the issue(s) referenced in the Board's order granting review.

§2422.32 Certifications and revocations.

(a) *Certifications.* The Executive Director, on behalf of the Board, will issue an appropriate certification when:

(1) After an election, runoff, or rerun,

(i) No objections are filed or challenged ballots are not determinative, or

(ii) Objections and determinative challenged ballots are decided and resolved; or

(2) The Executive Director takes an action requiring a certification and that action becomes the action of the Board under §2422.31(e) or the Board otherwise directs the issuance of a certification.

(b) *Revocations.* Without prejudice to any rights and obligations which may exist under the CAA, the Executive Director, on behalf of the Board, will revoke a recognition or certification, as appropriate, and provide a written statement of reasons when an incumbent exclusive representative files, during a representation proceeding, a disclaimer of any representational interest in the unit.

§2422.33 Relief obtainable under Part 2423.

Remedial relief that was or could have been obtained as a result of a motion, objection, or challenge filed or raised under this subpart, may not be the basis for similar relief if filed or raised as an unfair labor practice under Part 2423 of this Chapter: *provided, however,* that related matters may be consolidated for hearing as noted in §2422.27(d) of this subpart.

§2422.34 Rights and obligations during the pendency of representation proceedings.

(a) *Existing recognitions, agreements, and obligations under the CAA.* During the pendency of any representation proceeding, parties are obligated to maintain existing recognitions, adhere to the terms and conditions of existing collective bargaining agreements, and fulfill all other representational and bargaining responsibilities under the CAA.

(b) *Unit status of individual employees.* Notwithstanding paragraph (a) of this section and except as otherwise prohibited by law, a party may take action based on its position regarding the bargaining unit status of individual employees, pursuant to 5 U.S.C. 7103(a)(2), 7112 (b) and (c), as applied by the CAA: *provided, however,* that its actions may be challenged, reviewed, and remedied where appropriate.

PART 2423 UNFAIR LABOR PRACTICE PROCEEDINGS

Sec.
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§ 2423.1 Applicability of this part.

This part is applicable to any charge of alleged unfair labor practices occurring on or after October 1, 1996.

§ 2423.2 Informal proceedings.

(a) The purposes and policies of chapter 71, as applied by the CAA, can best be achieved by the cooperative efforts of all persons covered by the program. To this end, it shall be the policy of the Board and the General Counsel to encourage all persons alleging unfair labor practices and persons against whom such allegations are made to meet and, in good faith, attempt to resolve such matters prior to the filing of unfair labor practice charges.

(b) In furtherance of the policy referred to in paragraph (a) of this section, and noting the 180 day period of limitation set forth in section 220(c)(2) of the CAA, it shall be the policy of the Board and the General Counsel to encourage the informal resolution of unfair labor practice allegations subsequent to the filing of a charge and prior to the filing of a complaint by the General Counsel.

(c) In order to afford the parties an opportunity to implement the policy referred to in paragraphs (a) and (b) of this section, the investigation of an unfair labor practice charge by the General Counsel will normally not commence until the parties have been afforded a reasonable amount of time, not to exceed fifteen (15) days from the filing of the charge, during which period the parties are urged to attempt to informally resolve the unfair labor practice allegation.

§ 2423.3 Who may file charges.

An employing office, employing activity, or labor organization may be charged by any person with having engaged in or engaging in any unfair labor practice prohibited under 5 U.S.C. 7116, as applied by the CAA.

§ 2423.4 Contents of the charge; supporting evidence and documents.

(a) A charge alleging a violation of 5 U.S.C. 7116, as applied by the CAA, shall be submitted on forms prescribed by the General Counsel and shall contain the following:

(1) The name, address and telephone number of the person(s) making the charge;

(2) The name, address and telephone number of the employing office or activity, or labor organization against whom the charge is made;

(3) A clear and concise statement of the facts constituting the alleged unfair labor practice, a statement of the section(s) and subsection(s) of chapter 71 of title 5 of the United States Code made applicable by the CAA alleged to have been violated, and the date and place of occurrence of the particular acts; and

(4) A statement of any other procedure invoked involving the subject matter of the charge and the results, if any, including whether the subject matter raised in the charge (i) has been raised previously in a grievance procedure; (ii) has been referred to the Board under Part 2471 of these regulations, or the Federal Mediation and Conciliation Service, or (iii) involves a negotiability issue raised by the charging party in a petition pending before the Board pursuant to Part 2424 of this subchapter.

(b) Such charge shall be in writing and signed and shall contain a declaration by the person signing the charge, under the penalties of the Criminal Code (18 U.S.C. 1001), that its contents are true and correct to the best of that person's knowledge and belief.

(c) When filing a charge, the charging party shall submit to the General Counsel any supporting evidence and documents.

§ 2423.5 Selection of the unfair labor practice procedure or the negotiability procedure.

Where a labor organization files an unfair labor practice charge pursuant to this part which involves a negotiability issue, and the labor organization also files pursuant to part 2424 of this subchapter a petition for review of the same negotiability issue, the Board and the General Counsel ordinarily will not process the unfair labor practice charge and the petition for review simultaneously. Under such circumstances, the labor organization must select under which procedure to proceed. Upon selection of one procedure, further action under the other procedure will ordinarily be suspended. Such selection must be made regardless of whether the unfair labor practice charge or the petition for review of a negotiability issue is filed first. Notification of this selection must be made in writing at the time that both procedures have been invoked, and must be served on the Board, the General Counsel and all parties to both the unfair labor practice case and the negotiability case. Cases which solely involve an employing office's allegation that the duty to bargain in good faith does not extend to the matter proposed to be bargained and which do not involve actual or contemplated changes in conditions of employment may only be filed under part 2424 of this subchapter.

§ 2423.6 Filing and service of copies.

(a) An original and four (4) copies of the charge together with one copy for each additional charged party named shall be filed with the General Counsel.

(b) Upon the filing of a charge, the charging party shall be responsible for the service of a copy of the charge (without the supporting evidence and documents) upon the person(s) against whom the charge is made, and for filing a written statement of such service with the General Counsel. The General Counsel will, as a matter of course, cause a copy of such charge to be served on the person(s) against whom the charge is made, but shall not be deemed to assume responsibility for such service.

(c) A charge will be deemed to be filed when it is received by the General Counsel in accordance with the requirements in paragraph (a) of this section.

§ 2423.7 Investigation of charges.

(a) The General Counsel shall conduct such investigation of the charge as the General Counsel deems necessary. Consistent with the policy set forth in § 2423.2, the investigation will normally not commence until the parties have been afforded a reasonable amount of time, not to exceed fifteen (15) days from the filing of the charge, to informally resolve the unfair labor practice allegation.

(b) During the course of the investigation all parties involved will have an opportunity to present their evidence and views to the General Counsel.

(c) In connection with the investigation of charges, all persons are expected to cooperate fully with the General Counsel.

(d) The purposes and policies of chapter 71, as applied by the CAA, can best be achieved by the full cooperation of all parties involved and the voluntary submission of all potentially relevant information from all potential sources during the course of the investigation. To this end, it shall be the policy of the Board and the General Counsel to protect the identity of individuals and the substance of the statements and information they submit or which is obtained during the investigation as a means of assuring the Board's and the General Counsel's continuing ability to obtain all relevant information.

§ 2423.8 Amendment of charges.

Prior to the issuance of a complaint, the charging party may amend the charge in accordance with the requirements set forth in § 2423.6.

§ 2423.9 Action by the General Counsel.

(a) The General Counsel shall take action which may consist of the following, as appropriate:

(1) Approve a request to withdraw a charge;

(2) Refuse to file a complaint;

(3) Approve a written settlement and recommend that the Executive Director approve a written settlement agreement in accordance with the provisions of section 414 of the CAA;

(4) File a complaint;

(5) Upon agreement of all parties, transfer to the Board for decision, after filing of a complaint, a stipulation of facts in accordance with the provisions of § 2429.1(a) of this subchapter; or

(6) Withdraw a complaint.

§ 2423.10 Determination not to file complaint.

(a) If the General Counsel determines that the charge has not been timely filed, that the charge fails to state an unfair labor practice, or for other appropriate reasons, the General Counsel may request the charging party to withdraw the charge, and in the absence of such withdrawal within a reasonable time, decline to file a complaint.

(b) The charging party may not obtain a review of the General Counsel's decision not to file a complaint.

§ 2423.11 Settlement or adjustment of issues.

(a) At any stage of a proceeding prior to hearing, where time, the nature of the proceeding, and the public interest permit, all interested parties shall have the opportunity to submit to the Executive Director or General Counsel, as appropriate, for consideration, all facts and arguments concerning offers of settlement, or proposals of adjustment.

Precomplaint settlements

(b) (1) Prior to the filing of any complaint or the taking of other formal action, the General Counsel will afford the charging party and the respondent a reasonable period of time in which to enter into a settlement

agreement to be submitted to and approved by the General Counsel and the Executive Director. Upon approval by the General Counsel and Executive Director and compliance with the terms of the settlement agreement, no further action shall be taken in the case. If the respondent fails to perform its obligations under the settlement agreement, the General Counsel may determine to institute further proceedings.

(2) In the event that the charging party fails or refuses to become a party to a settlement agreement offered by the respondent, if the General Counsel concludes that the offered settlement will effectuate the policies of chapter 71, as applied by the CAA, the agreement shall be between the respondent and the General Counsel and the latter shall decline to file a complaint.

Post complaint settlement policy

(c) Consistent with the policy reflected in paragraph (a) of this section, even after the filing of a complaint, the Board favors the settlement of issues. Such settlements may be accomplished as provided in paragraph (b) of this section. The parties may, as part of the settlement, agree to waive their right to a hearing and agree further that the Board may issue an order requiring the respondent to take action appropriate to the terms of the settlement. Ordinarily such a settlement agreement will also contain the respondent's consent to the Board's application for the entry of a decree by the United States Court of Appeals for the Federal Circuit enforcing the Board's order.

Post complaint prehearing settlements

(d) (1) If, after the filing of a complaint, the charging party and the respondent enter into a settlement agreement, and such agreement is accepted by the General Counsel, the settlement agreement shall be submitted to the Executive Director for approval.

(2) If, after the filing of a complaint, the charging party fails or refuses to become a party to a settlement agreement offered by the respondent, and the General Counsel concludes that the offered settlement will effectuate the policies of chapter 71, as applied by the CAA, the agreement shall be between the respondent and the General Counsel. The charging party will be so informed and provided a brief written statement by the General Counsel of the reasons therefor. The settlement agreement together with the charging party's objections, if any, and the General Counsel's written statements, shall be submitted to the Executive Director for approval. The Executive Director may approve or disapprove any settlement agreement.

(3) After the filing of a complaint, if the General Counsel concludes that it will effectuate the policies of chapter 71, as applied by the CAA, the General Counsel may withdraw the complaint.

Settlements after the opening of the hearing

(e) (1) After filing of a complaint and after opening of the hearing, if the General Counsel concludes that it will effectuate the policies of chapter 71, as applied by the CAA, the General Counsel may request the Hearing Officer for permission to withdraw the complaint and, having been granted such permission to withdraw the complaint, may approve a settlement and recommend that the Executive Director approve the settlement pursuant to paragraph (b) of this section.

(2) If, after filing of a complaint and after opening of the hearing, the parties enter into a settlement agreement that contains the respondent's consent to the Board's application for the entry of a decree by the United States Court of Appeals for the Federal Circuit enforcing the Board's order, the General Counsel may request the Hearing Officer and the Executive Director to approve such settlement agreement, and upon such approval, to transmit the agreement to the Board for approval.

(3) If the charging party fails or refuses to become a party to a settlement agreement, offered by the respondent, that contains the respondent's consent to the Board's application for the entry of a decree by the United States Court of Appeals for the Federal Circuit enforcing the Board's order, and the General Counsel concludes that the offered settlement will effectuate the policies of chapter 71, as applied to the CAA, the agreement shall be between the respondent and the General Counsel. After the charging party is given an opportunity to state on the record or in writing the reasons for opposing the settlement, the General Counsel may request the Hearing Officer and the Executive Director to approve such settlement agreement, and upon such approval, to transmit the agreement to the Board for approval. The Board may approve or disapprove any such settlement agreement or return the case to the Hearing Officer for other appropriate action.

§ 2423.12 Filing and contents of the complaint.

(a) After a charge is filed, if it appears to the General Counsel that formal proceedings in respect thereto should be instituted, the General Counsel shall file a formal complaint: provided, however, that a determination by the General Counsel to file a complaint shall not be subject to review.

(b) The complaint shall include:

(1) Notice of the charge;

(2) Any information required pursuant to the Procedural Rules of the Office.

(c) Any such complaint may be withdrawn before the hearing by the General Counsel.

§ 2423.13 Answer to the complaint.

A respondent shall file an answer to a complaint in accordance with the requirements of the Procedural Rules of the Office.

§ 2423.14 Prehearing disclosure; conduct of hearing.

The procedures for prehearing discovery and the conduct of the hearing are set forth in the Procedural Rules of the Office.

§ 2423.15 Intervention.

Any person involved and desiring to intervene in any proceeding pursuant to this part shall file a motion in accordance with the procedures set forth in the Procedural Rules of the Office. The motion shall state the grounds upon which such person claims involvement.

§ 2423.16 [Reserved]

§ 2423.17 [Reserved]

§ 2423.18 Burden of proof before the Hearing Officer.

The General Counsel shall have the responsibility of presenting the evidence in support of the complaint and shall have the burden of proving the allegations of the complaint by a preponderance of the evidence.

2423.19 Duties and powers of the Hearing Officer.

It shall be the duty of the Hearing Officer to inquire fully into the facts as they relate to the matter before such Hearing Officer, subject to the rules and regulations of the Office and the Board.

§ 2423.20 [Reserved]

§ 2423.21 [Reserved]

§ 2423.22 [Reserved]

§ 2423.23 [Reserved]

§ 2423.24 [Reserved]

§ 2423.25 [Reserved]

§ 2423.26 Hearing Officer decisions; entry in records of the Office.

In accordance with the Procedural Rules of the Office, the Hearing Officer shall issue a written decision and that decision will be entered into the records of the Office.

§ 2423.27 Appeal to the Board.

An aggrieved party may seek review of a decision and order of the Hearing Officer in accordance with the Procedural Rules of the Office.

§ 2423.28 [Reserved]

§ 2423.29 Action by the Board.

(a) If an appeal is filed, the Board shall review the decision of the Hearing Officer in accordance with section 406 of the CAA, and the Procedural Rules of the Office.

(b) Upon finding a violation, the Board shall issue an order:

(1) To cease and desist from any such unfair labor practice in which the employing office or labor organization is engaged;

(2) Requiring the parties to renegotiate a collective bargaining agreement in accordance with the order of the Board and requiring that the agreement, as amended, be given retroactive effect;

(3) Requiring reinstatement of an employee with backpay in accordance with 5 U.S.C. 5596; or

(4) Including any combination of the actions described in paragraphs (1) through (3) of this paragraph (b), or such other action as will carry out the purpose of the chapter 71, as applied by the CAA.

(c) Upon finding no violation, the Board shall dismiss the complaint.

§ 2423.30 Compliance with decisions and orders of the Board.

When remedial action is ordered, the respondent shall report to the Office within a specified period that the required remedial action has been effected. When the General Counsel or the Executive Director finds that the required remedial action has not been effected, the General Counsel or the Executive Director shall take such action as may be appropriate, including referral to the Board for enforcement.

§ 2423.31 Backpay proceedings.

After the entry of a Board order directing payment of backpay, or the entry of a court decree enforcing such order, if it appears to the General Counsel that a controversy exists which cannot be resolved without a formal proceeding, the General Counsel may issue and serve on all parties a backpay specification accompanied by a request for hearing or a request for hearing without a specification. Upon receipt of the request for hearing, the Executive Director will appoint an independent Hearing Officer. The respondent shall, within twenty (20) days after the service of a backpay specification, file an answer thereto in accordance with the Office's Procedural Rules. No answer need be filed by the respondent to a notice of hearing issued without a specification. After the issuance of a notice of hearing, with or without a backpay specification, the hearing procedures provided in the Procedural Rules of the Office shall be followed insofar as applicable.

PART 2424—EXPEDITED REVIEW OF NEGOTIABILITY ISSUES

Subpart A—Instituting an Appeal

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2424.8 Additional submissions to the Board.
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2424.10 Board decision and order; compliance.

Subpart B—Criteria for Determining Compelling Need for Employing Office Rules and Regulations

2424.11 Illustrative criteria.

Subpart A—Instituting an Appeal

§ 2424.1 Conditions governing review.

The Board will consider a negotiability issue under the conditions prescribed by 5 U.S.C. 7117 (b) and (c), as applied by the CAA, namely: If an employing office involved in collective bargaining with an exclusive representative alleges that the duty to bargain in good faith does not extend to any matter proposed to be bargained because, as proposed, the matter is inconsistent with law, rule or regulation, the exclusive representative may appeal the allegation to the Board when—

(a) It disagrees with the employing office's allegation that the matter as proposed to be bargained is inconsistent with any Federal law or any Government-wide rule or regulation; or

(b) It alleges, with regard to any employing office rule or regulation asserted by the employing office as a bar to negotiations on the matter, as proposed, that:

(1) The rule or regulation violates applicable law, or rule or regulation of appropriate authority outside the employing office;

(2) The rule or regulation was not issued by the employing office or by any primary national subdivision of the employing office, or otherwise is not applicable to bar negotiations with the exclusive representative, under 5 U.S.C. 7117(a)(3), as applied by the CAA; or

(3) No compelling need exists for the rule or regulation to bar negotiations on the matter, as proposed, because the rule or regulation does not meet the criteria established in subpart B of this part.

§ 2424.2 Who may file a petition.

A petition for review of a negotiability issue may be filed by an exclusive representative which is a party to the negotiations.

§ 2424.3 Time limits for filing.

The time limit for filing a petition for review is fifteen (15) days after the date the employing office's allegation that the duty to bargain in good faith does not extend to the matter proposed to be bargained is served on the exclusive representative. The exclusive representative shall request such allegation in writing and the employing office shall make the allegation in writing and serve a copy on the exclusive representative: *provided, however,* that review of a negotiability issue may be requested by an exclusive representative under this subpart without a prior written allegation by the employing office if the employing office has not served such allegation upon the exclusive representative within ten (10) days after the date of the receipt by any employing office bargaining representative at the negotiations of a written request for such allegation.

§ 2424.4 Content of petition; service.

(a) A petition for review shall be dated and shall contain the following:

(1) A statement setting forth the express language of the proposal sought to be negotiated as submitted to the employing office;

(2) An explicit statement of the meaning attributed to the proposal by the exclusive representative including:

(i) Explanation of terms of art, acronyms, technical language, or any other aspect of the language of the proposal which is not in common usage; and

(ii) Where the proposal is concerned with a particular work situation, or other particular circumstances, a description of the situation or circumstances which will enable the Board to understand the context in which the proposal is intended to apply;

(3) A copy of all pertinent material, including the employing office's allegation in writing that the matter, as proposed, is not within the duty to bargain in good faith, and other relevant documentary material; and

(4) Notification by the petitioning labor organization whether the negotiability issue is also involved in an unfair labor practice charge filed by such labor organization under part 2423 of this subchapter and pending before the General Counsel.

(b) A copy of the petition including all attachments thereto shall be served on the employing office head and on the principal employing office bargaining representative at the negotiations.

(c)(1) Filing an incomplete petition for review will result in the exclusive representative being asked to provide the missing or incomplete information. Noncompliance with a request to complete the record may result in dismissal of the petition.

(2) The processing priority accorded to an incomplete petition, relative to other pending negotiability appeals, will be based upon the date when the petition is completed—not the date it was originally filed.

§ 2424.5 Selection of the unfair labor practice procedure or the negotiability procedure.

Where a labor organization files an unfair labor practice charge pursuant to part 2423 of this subchapter which involves a negotiability issue, and the labor organization also files pursuant to this part a petition for review of the same negotiability issue, the Board and the General Counsel ordinarily will not process the unfair labor practice charge and the petition for review simultaneously. Under such circumstances, the labor organization must select under which procedure to proceed. Upon selection of one procedure, further action under the other procedure will ordinarily be suspended. Such selection must be made regardless of whether the unfair labor practice charge or the petition for review of a negotiability issue is filed first. Notification of this selection must be made in writing at the time that both procedures have been invoked, and must be served on the Board, the General Counsel and all parties to both the unfair labor practice case and the negotiability case. Cases which solely involve an employing office's allegation that the duty to bargain in good faith does not extend to the matter proposed to be bargained and which do not involve actual or contemplated changes in conditions of employment may only be filed under this part.

§ 2424.6 Position of the employing office; time limits for filing; service.

(a) Within thirty (30) days after the date of the receipt by the head of an employing office of a copy of a petition for review of a negotiability issue the employing office shall file a statement—

(1) Withdrawing the allegation that the duty to bargain in good faith does not extend to the matter proposed to be negotiated; or

(2) Setting forth in full its position on any matters relevant to the petition which it wishes the Board to consider in reaching its decision, including a full and detailed statement of its reasons supporting the allegation. The statement shall cite the section of any law, rule or regulation relied upon as a basis for the allegation and shall contain a copy of any internal employing office rule or regulation so relied upon. The statement shall include:

(i) Explanation of the meaning the employing office attributes to the proposal as a whole, including any terms of art, acronyms, technical language or any other aspect of the language of the proposal which is not in common usage; and

(ii) Description of a particular work situation, or other particular circumstance the employing office views the proposal to concern, which will enable the Board to understand the context in which the proposal is considered to apply by the employing office.

(b) A copy of the employing office's statement of position, including all attachments thereto shall be served on the exclusive representative.

§ 2424.7 Response of the exclusive representative; time limits for filing; service.

(a) Within fifteen (15) days after the date of the receipt by an exclusive representative of a copy of an employing office's statement of position the exclusive representative shall file a full and detailed response stating its position and reasons for:

(1) Disagreeing with the employing office's allegation that the matter, as proposed to be negotiated, is inconsistent with any Federal law or Government-wide rule or regulation; or

(2) Alleging that the employing office's rules or regulations violate applicable law, or rule or regulation or appropriate authority outside the employing office; that the rules or regulations were not issued by the employing office or by any primary national subdivision of the employing office, or otherwise are not applicable to bar negotiations under 5 U.S.C. 7117(a)(3), as applied by the CAA; or that no compelling need exists for the rules or regulations to bar negotiations.

(b) The response shall cite the particular section of any law, rule or regulation alleged to be violated by the employing office's rules or regulations; or shall explain the grounds for contending the employing office rules or regulations are not applicable to bar negotiations under 5 U.S.C. 7117(a)(3), as applied by the CAA, or fail to meet the criteria established in subpart B of this part, or were not issued at the employing office headquarters level or at the level of a primary national subdivision.

(c) A copy of the response of the exclusive representative including all attachments thereto shall be served on the employing office head and on the employing office's representative of record in the proceeding before the Board.

§ 2424.8 Additional submissions to the Board.

The Board will not consider any submission filed by any party, whether supplemental or responsive in nature, other than those authorized under § 2424.2 through 2424.7 unless such submission is requested by the Board; or unless, upon written request by any party, a copy of which is served on all other parties, the Board in its discretion grants permission to file such submission.

§ 2424.9 Hearing.

A hearing may be held, in the discretion of the Board, before a determination is made under 5 U.S.C. 7117(b) or (c), as applied by the CAA. If a hearing is held, it shall be expedited to the extent practicable and shall not include the General Counsel as a party.

§ 2424.10 Board decision and order; compliance.

(a) Subject to the requirements of this subpart the Board shall expedite proceedings under this part to the extent practicable and shall issue to the exclusive representative and to the employing office a written decision on the allegation and specific reasons therefor at the earliest practicable date.

(b) If the Board finds that the duty to bargain extends to the matter proposed to be bargained, the decision of the Board shall include an order that the employing office shall upon request (or as otherwise agreed to by the parties) bargain concerning such matter. If the Board finds that the duty to bargain does not extend to the matter proposed to be negotiated, the Board shall so state

and issue an order dismissing the petition for review of the negotiability issue. If the Board finds that the duty to bargain extends to the matter proposed to be bargained only at the election of the employing office, the Board shall so state and issue an order dismissing the petition for review of the negotiability issue.

(c) When an order is issued as provided in paragraph (b) of this section, the employing office or exclusive representative shall report to the Executive Director within a specified period failure to comply with an order that the employing office shall upon request (or as otherwise agreed to by the parties) bargain concerning the disputed matter.

Subpart B—Criteria for Determining Compelling Need for Employing Office Rules and Regulations

§ 2424.11 Illustrative criteria.

A compelling need exists for an employing office rule or regulation concerning any condition of employment when the employing office demonstrates that the rule or regulation meets one or more of the following illustrative criteria:

(a) The rule or regulation is essential, as distinguished from helpful or desirable, to the accomplishment of the mission or the execution of functions of the employing office or primary national subdivision in a manner which is consistent with the requirements of an effective and efficient government.

(b) The rule or regulation is necessary to insure the maintenance of basic merit principles.

(c) The rule or regulation implements a mandate to the employing office or primary national subdivision under law or other outside authority, which implementation is essentially nondiscretionary in nature.

PART 2425—REVIEW OF ARBITRATION AWARDS

Sec.
2425.1 Who may file an exception; time limits for filing; opposition; service.
2425.2 Content of exception.
2425.3 Grounds for review.
2425.4 Board decision.

§ 2425.1 Who may file an exception; time limits for filing; opposition; service.

(a) Either party to arbitration under the provisions of chapter 71 of title 5 of the United States Code, as applied by the CAA, may file an exception to an arbitrator's award rendered pursuant to the arbitration.

(b) The time limit for filing an exception to an arbitration award is thirty (30) days beginning on the date the award is served on the filing party.

(c) An opposition to the exception may be filed by a party within thirty (30) days after the date of service of the exception.

(d) A copy of the exception and any opposition shall be served on the other party.

§ 2425.2 Content of exception.

An exception must be a dated, self-contained document which sets forth in full:

(a) A statement of the grounds on which review is requested;

(b) Evidence or rulings bearing on the issues before the Board;

(c) Arguments in support of the stated grounds, together with specific reference to the pertinent documents and citations of authorities; and

(d) A legible copy of the award of the arbitrator and legible copies of other pertinent documents; and

(e) The name and address of the arbitrator.

§ 2425.3 Grounds for review.

The Board will review an arbitrator's award to which an exception has been filed to determine if the award is deficient—

(a) Because it is contrary to any law, rule or regulation; or

(b) On other grounds similar to those applied by Federal courts in private sector labor-management relations.

§ 2425.4 Board decision.

The Board shall issue its decision and order taking such action and making such recommendations concerning the award as it considers necessary, consistent with applicable laws, rules, or regulations.

PART 2426—NATIONAL CONSULTATION RIGHTS AND CONSULTATION RIGHTS ON GOVERNMENT-WIDE RULES OR REGULATIONS

Subpart A—National Consultation Rights

Sec.
2426.1 Requesting; granting; criteria.
2426.2 Requests; petition and procedures for determination of eligibility for national consultation rights.
2426.3 Obligation to consult.

Subpart B—Consultation Rights on Government-wide Rules or Regulations

2426.11 Requesting; granting; criteria.
2426.12 Requests; petition and procedures for determination of eligibility for consultation rights on Government-wide rules or regulations.
2426.13 Obligation to consult.

Subpart A—National Consultation Rights

§ 2426.1 Requesting; granting; criteria.

(a) An employing office shall accord national consultation rights to a labor organization that:

(1) Requests national consultation rights at the employing office level; and

(2) Holds exclusive recognition for ten percent (10%) or more of the total number of personnel employed by the employing office.

(b) An employing office's primary national subdivision which has authority to formulate conditions of employment shall accord national consultation rights to a labor organization that:

(1) Requests national consultation rights at the primary national subdivision level; and

(2) Holds exclusive recognition for ten percent (10%) or more of the total number of personnel employed by the primary national subdivision.

(c) In determining whether a labor organization meets the requirements as prescribed in paragraphs (a)(2) and (b)(2) of this section, the following will not be counted:

(1) At the employing office level, employees represented by the labor organization under national exclusive recognition granted at the employing office level.

(2) At the primary national subdivision level, employees represented by the labor organization under national exclusive recognition granted at the agency level or at that primary national subdivision level.

(d) An employing office or a primary national subdivision of an employing office shall not grant national consultation rights to any labor organization that does not meet the criteria prescribed in paragraphs (a), (b) and (c) of this section.

2426.2 Requests; petition and procedures for determination of eligibility for national consultation rights.

(a) Requests by labor organizations for national consultation rights shall be submitted in writing to the headquarters of the employing office or the employing office's primary national subdivision, as appropriate, which headquarters shall have fifteen (15) days from the date of service of such request to respond thereto in writing.

(b) Issues relating to a labor organization's eligibility for, or continuation of, national consultation rights shall be referred to the Board for determination as follows:

(1) A petition for determination of the eligibility of a labor organization for national consultation rights under criteria set forth in § 2426.1 may be filed by a labor organization.

(2) A petition for determination of eligibility for national consultation rights shall be submitted on a form prescribed by the Board and shall set forth the following information:

(i) Name and affiliation, if any, of the petitioner and its address and telephone number;

(ii) A statement that the petitioner has submitted to the employing office or the primary national subdivision and to the Assistant Secretary a roster of its officers and representatives, a copy of its constitution and bylaws, and a statement of its objectives;

(iii) A declaration by the person signing the petition, under the penalties of the Criminal Code (18 U.S.C. 1001), that its contents are true and correct to the best of such person's knowledge and belief;

(iv) The signature of the petitioner's representative, including such person's title and telephone number;

(v) The name, address, and telephone number of the employing office or primary national subdivision in which the petitioner seeks to obtain or retain national consultation rights, and the persons to contact and their titles, if known;

(vi) A showing that petitioner holds adequate exclusive recognition as required by § 2426.1; and

(vii) A statement as appropriate:

(A) That such showing has been made to and rejected by the employing office or primary national subdivision, together with a statement of the reasons for rejection, if any, offered by that employing office or primary national subdivision;

(B) That the employing office or primary national subdivision has served notice of its intent to terminate existing national consultation rights, together with a statement of the reasons for termination; or

(C) That the employing office or primary national subdivision has failed to respond in writing to a request for national consultation rights made under § 2426.2(a) within fifteen (15) days after the date the request is served on the employing office or primary national subdivision.

(3) The following regulations govern petitions filed under this section:

(i) A petition for determination of eligibility for national consultation rights shall be filed with the Executive Director.

(ii) An original and four (4) copies of a petition shall be filed, together with a statement of any other relevant facts and of all correspondence.

(iii) Copies of the petition together with the attachments referred to in paragraph (b)(3)(ii) of this section shall be served by the petitioner on all known interested parties, and a written statement of such service shall be filed with the Executive Director.

(iv) A petition shall be filed within thirty (30) days after the service of written notice by the employing office or primary national subdivision of its refusal to accord national consultation rights pursuant to a request under § 2426.2(a) or its intention to terminate existing national consultation rights. If an employing office or primary national subdivision fails to respond in writing to a request for national consultation rights made under § 2426.2(a) within fifteen (15) days after the date the request is served on the employing office or primary national subdivision, a petition shall be filed within thirty (30) days after the expiration of such fifteen (15) day period.

(v) If an employing office or primary national subdivision wishes to terminate national consultation rights, notice of its intention to do so shall include a statement of its reasons and shall be served not less than

thirty (30) days prior to the intended termination date. A labor organization, after receiving such notice, may file a petition within the time period prescribed herein, and thereby cause to be stayed further action by the employing office or primary national subdivision pending disposition of the petition. If no petition has been filed within the provided time period, an employing office or primary national subdivision may terminate national consultation rights.

(vi) Within fifteen (15) days after the receipt of a copy of the petition, the employing office or primary national subdivision shall file a response thereto with the Executive Director raising any matter which is relevant to the petition.

(vii) The Executive Director, on behalf of the Board, shall make such investigations as the Executive Director deems necessary and thereafter shall issue and serve on the parties a determination with respect to the eligibility for national consultation rights which shall be final: *provided, however,* that an application for review of the Executive Director's determination may be filed with the Board in accordance with the procedure set forth in §2422.31 of this subchapter. A determination by the Executive Director to issue a notice of hearing shall not be subject to the filing of an application for review. On behalf of the Board, the Executive Director, if appropriate, may cause a notice of hearing to be issued to all interested parties where substantial factual issues exist warranting an investigatory hearing. Investigatory hearings shall be conducted by the Executive Director or her designee in accordance with §2422.17 through 2422.22 of this subchapter and after the close of the investigatory hearing a Decision and Order shall be issued by the Board in accordance with §2422.30 of this subchapter.

§2426.3 Obligation to consult.

(a) When a labor organization has been accorded national consultation rights, the employing office or the primary national subdivision which has granted those rights shall, through appropriate officials, furnish designated representatives of the labor organization:

(1) Reasonable notice of any proposed substantive change in conditions of employment; and

(2) Reasonable time to present its views and recommendations regarding the change.

(b) If a labor organization presents any views or recommendations regarding any proposed substantive change in conditions of employment to an employing office or a primary national subdivision, that employing office or primary national subdivision shall:

(1) Consider the views or recommendations before taking final action on any matter with respect to which the views or recommendations are presented; and

(2) Provide the labor organization a written statement of the reasons for taking the final action.

(c) Nothing in this subpart shall be construed to limit the right of any employing office or exclusive representative to engage in collective bargaining.

Subpart B—Consultation Rights on Government-wide Rules or Regulations

§2426.11 Requesting; granting; criteria.

(a) An employing office shall accord consultation rights on Government-wide rules or regulations to a labor organization that:

(1) Requests consultation rights on Government-wide rules or regulations from an employing office; and

(2) Holds exclusive recognition for 350 or more covered employees within the legislative branch.

(b) An employing office shall not grant consultation rights on Government-wide rules or regulations to any labor organization that does not meet the criteria prescribed in paragraph (a) of this section.

§2426.12 Requests; petition and procedures for determination of eligibility for consultation rights on Government-wide rules or regulations.

(a) Requests by labor organizations for consultation rights on Government-wide rules or regulations shall be submitted in writing to the headquarters of the employing office, which headquarters shall have fifteen (15) days from the date of service of such request to respond thereto in writing.

(b) Issues relating to a labor organization's eligibility for, or continuation of, consultation rights on Government-wide rules or regulations shall be referred to the Board for determination as follows:

(1) A petition for determination of the eligibility of a labor organization for consultation rights under criteria set forth in §2426.11 may be filed by a labor organization.

(2) A petition for determination of eligibility for consultation rights shall be submitted on a form prescribed by the Board and shall set forth the following information:

(i) Name and affiliation, if any, of the petitioner and its address and telephone number;

(ii) A statement that the petitioner has submitted to the employing office and to the Assistant Secretary a roster of its officers and representatives, a copy of its constitution and bylaws, and a statement of its objectives;

(iii) A declaration by the person signing the petition, under the penalties of the Criminal Code (18 U.S.C. 1001), that its contents are true and correct to the best of such person's knowledge and belief;

(iv) The signature of the petitioner's representative, including such person's title and telephone number;

(v) The name, address, and telephone number of the employing office in which the petitioner seeks to obtain or retain consultation rights on Government-wide rules or regulations, and the persons to contact and their titles, if known;

(vi) A showing that petitioner meets the criteria as required by §2426.11; and

(vii) A statement, as appropriate:

(A) That such showing has been made to and rejected by the employing office, together with a statement of the reasons for rejection, if any, offered by that employing office;

(B) That the employing office has served notice of its intent to terminate existing consultation rights on Government-wide rules or regulations, together with a statement of the reasons for termination; or

(C) That the employing office has failed to respond in writing to a request for consultation rights on Government-wide rules or regulations made under §2426.12(a) within fifteen (15) days after the date the request is served on the employing office.

(3) The following regulations govern petitions filed under this section:

(i) A petition for determination of eligibility for consultation rights on Government-wide rules or regulations shall be filed with the Executive Director.

(ii) An original and four (4) copies of a petition shall be filed, together with a statement of any other relevant facts and of all correspondence.

(iii) Copies of the petition together with the attachments referred to in paragraph (b)(3)(ii) of this section shall be served by the petitioner on the employing office, and a written statement of such service shall be filed with the Executive Director.

(iv) A petition shall be filed within thirty (30) days after the service of written notice by the employing office of its refusal to accord consultation rights on Government-wide rules or regulations pursuant to a request under §2426.12(a) or its intention to terminate such existing consultation rights. If an employing office fails to respond in writing to a request for consultation rights on Government-wide rules or regulations made under §2426.12(a) within fifteen (15) days after the date the request is served on the employing office, a petition shall be filed within thirty (30) days after the expiration of such fifteen (15) day period.

(v) If an employing office wishes to terminate consultation rights on Government-wide rules or regulations, notice of its intention to do so shall be served not less than thirty (30) days prior to the intended termination date. A labor organization, after receiving such notice, may file a petition within the time period prescribed herein, and thereby cause to be stayed further action by the employing office pending disposition of the petition. If no petition has been filed within the provided time period, an employing office may terminate such consultation rights.

(vi) Within fifteen (15) days after the receipt of a copy of the petition, the employing office shall file a response thereto with the Executive Director raising any matter which is relevant to the petition.

(vii) The Executive Director, on behalf of the Board, shall make such investigation as the Executive Director deems necessary and thereafter shall issue and serve on the parties a determination with respect to the eligibility for consultation rights which shall be final: *Provided, however,* that an application for review of the Executive Director's determination may be filed with the Board in accordance with the procedure set forth in §2422.31 of this subchapter. A determination by the Executive Director to issue a notice of investigatory hearing shall not be subject to the filing of an application for review. On behalf of the Board, the Executive Director, if appropriate, may cause a notice of investigatory hearing to be issued where substantial factual issues exist warranting a hearing. Investigatory hearings shall be conducted by the Executive Director or her designee in accordance with §2422.17 through 2422.22 of this chapter and after the close of the investigatory hearing a Decision and Order shall be issued by the Board in accordance with §2422.30 of this subchapter.

§2426.13 Obligation to consult.

(a) When a labor organization has been accorded consultation rights on Government-wide rules or regulations, the employing office which has granted those rights shall, through appropriate officials, furnish designated representatives of the labor organization:

(1) Reasonable notice of any proposed Government-wide rule or regulation issued by the employing office affecting any substantive change in any condition of employment; and

(2) Reasonable time to present its views and recommendations regarding the change.

(b) If a labor organization presents any views or recommendations regarding any proposed substantive change in any condition of employment to an employing office, that employing office shall:

(1) Consider the views or recommendations before taking final action on any matter with respect to which the views or recommendations are presented; and

(2) Provide the labor organization a written statement of the reasons for taking the final action.

PART 2427—GENERAL STATEMENTS OF POLICY OR GUIDANCE

Sec.

2427.1 Scope.
2427.2 Requests for general statements of policy or guidance.
2427.3 Content of request.
2427.4 Submissions from interested parties.
2427.5 Standards governing issuance of general statements of policy or guidance.

§ 2427.1 Scope.

This part sets forth procedures under which requests may be submitted to the Board seeking the issuance of general statements of policy or guidance under 5 U.S.C. 7105(a)(1), as applied by the CAA.

§ 2427.2 Requests for general statements of policy or guidance.

(a) The head of an employing office (or designee), the national president of a labor organization (or designee), or the president of a labor organization not affiliated with a national organization (or designee) may separately or jointly ask the Board for a general statement of policy or guidance. The head of any lawful association not qualified as a labor organization may also ask the Board for such a statement provided the request is not in conflict with the provisions of chapter 71 of title 5 of the United States Code, as applied by the CAA, or other law.

(b) The Board ordinarily will not consider a request related to any matter pending before the Board or General Counsel.

§ 2427.3 Content of request.

(a) A request for a general statement of policy or guidance shall be in writing and must contain:

(1) A concise statement of the question with respect to which a general statement of policy or guidance is requested together with background information necessary to an understanding of the question;

(2) A statement of the standards under § 2427.5 upon which the request is based;

(3) A full and detailed statement of the position or positions of the requesting party or parties;

(4) Identification of any cases or other proceedings known to bear on the question which are pending under the CAA; and

(5) Identification of other known interested parties.

(b) A copy of each document also shall be served on all known interested parties, including the General Counsel, where appropriate.

§ 2427.4 Submissions from interested parties.

Prior to issuance of a general statement of policy or guidance the Board, as it deems appropriate, will afford an opportunity to interested parties to express their views orally or in writing.

§ 2427.5 Standards governing issuance of general statements of policy or guidance.

In deciding whether to issue a general statement of policy or guidance, the Board shall consider:

(a) Whether the question presented can more appropriately be resolved by other means;

(b) Where other means are available, whether a Board statement would prevent the proliferation of cases involving the same or similar question;

(c) Whether the resolution of the question presented would have general applicability under chapter 71, as applied by the CAA;

(d) Whether the question currently confronts parties in the context of a labor-management relationship;

(e) Whether the question is presented jointly by the parties involved; and

(f) Whether the issuance by the Board of a general statement of policy or guidance on the question would promote constructive and cooperative labor-management relationships in the legislative branch and would otherwise promote the purposes of chapter 71, as applied by the CAA.

PART 2428—ENFORCEMENT OF ASSISTANT SECRETARY STANDARDS OF CONDUCT DECISIONS AND ORDERS

Sec.
2428.1 Scope.
2428.2 Petitions for enforcement.
2428.3 Board decision.

§ 2428.1 Scope.

This part sets forth procedures under which the Board, pursuant to 5 U.S.C. 7105(a)(2)(I), as applied by the CAA, will enforce decisions and orders of the Assistant Secretary in standards of conduct matters arising under 5 U.S.C. 7120, as applied by the CAA.

§ 2428.2 Petitions for enforcement.

(a) The Assistant Secretary may petition the Board to enforce any Assistant Secretary decision and order in a standards of conduct case arising under 5 U.S.C. 7120, as applied by the CAA. The Assistant Secretary shall transfer to the Board the record in the case, including a copy of the transcript if any, exhibits, briefs, and other documents filed with the Assistant Secretary. A copy of the petition for enforcement shall be served on the labor organization against which such order applies.

(b) An opposition to Board enforcement of any such Assistant Secretary decision and order may be filed by the labor organization against which such order applies twenty (20) days from the date of service of the petition, unless the Board, upon good cause shown by the Assistant Secretary, sets a shorter time for filing such opposition. A copy of the opposition to enforcement shall be served on the Assistant Secretary.

§ 2428.3 Board decision.

The Board shall issue its decision on the case enforcing, enforcing as modified, or refusing to enforce, the decision and order of the Assistant Secretary.

PART 2429—MISCELLANEOUS AND GENERAL REQUIREMENTS

Subpart A—Miscellaneous

Sec.
2429.1 Transfer of cases to the Board.
2429.2 [Reserved]
2429.3 Transfer of record.
2429.4 Referral of policy questions to the Board.
2429.5 Matters not previously presented; official notice.
2429.6 Oral argument.
2429.7 [Reserved]
2429.8 [Reserved]
2429.9 [Reserved]
2429.10 Advisory opinions.
2429.11 [Reserved]
2429.12 [Reserved]
2429.13 Official time.
2429.14 Witness fees.
2429.15 Board requests for advisory opinions.
2429.16 General remedial authority.
2429.17 [Reserved]
2429.18 [Reserved]

Subpart B—General Requirements

2429.21 [Reserved]
2429.22 [Reserved]
2429.23 Extension; waiver.
2429.24 [Reserved]
2429.25 [Reserved]
2429.26 [Reserved]
2429.27 [Reserved]
2429.28 Petitions for amendment of regulations.

Subpart A—Miscellaneous

§ 2429.1 Transfer of cases to the Board.

In any unfair labor practice case under part 2423 of this subchapter in which, after the filing of a complaint, the parties stipulate that no material issue of fact exists, the Executive Director may, upon agreement of all parties, transfer the case to the Board; and the Board may decide the case on the basis of the formal documents alone. Briefs in the case must be filed with the Board within thirty (30) days from the date of the Executive Director's order transferring the case to the Board. The Board may also remand any such case to the Executive Director for further processing. Orders of transfer and remand shall be served on all parties.

§ 2429.2 [Reserved]

§ 2429.3 Transfer of record.

In any case under part 2425 of this subchapter, upon request by the Board, the parties jointly shall transfer the record in the case, including a copy of the transcript, if any, exhibits, briefs and other documents filed with the arbitrator, to the Board.

§ 2429.4 Referral of policy questions to the Board.

Notwithstanding the procedures set forth in this subchapter, the General Counsel, or the Assistant Secretary, may refer for review and decision or general ruling by the Board any case involving a major policy issue that arises in a proceeding before any of them. Any such referral shall be in writing and a copy of such referral shall be served on all parties to the proceeding. Before decision or general ruling, the Board shall obtain the views of the parties and other interested persons, orally or in writing, as it deems necessary and appropriate. The Board may decline a referral.

§ 2429.5 Matters not previously presented; official notice.

The Board will not consider evidence offered by a party, or any issue, which was not presented in the proceedings before the Executive Director, Hearing Officer, or arbitrator. The Board may, however, take official notice of such matters as would be proper.

§ 2429.6 Oral argument.

The Board or the General Counsel, in their discretion, may request or permit oral argument in any matter arising under this subchapter under such circumstances and conditions as they deem appropriate.

§ 2429.7 [Reserved]

§ 2429.8 [Reserved]

§ 2429.9 [Reserved]

§ 2429.10 Advisory opinions.

The Board and the General Counsel will not issue advisory opinions.

§ 2429.11 [Reserved]

§ 2429.12 [Reserved]

§ 2429.13 Official time.

If the participation of any employee in any phase of any proceeding before the Board under section 220 of the CAA, including the investigation of unfair labor practice charges and representation petitions and the participation in hearings and representation elections, is deemed necessary by the Board, the Executive Director, the General Counsel, any Hearing Officer, or other agent of the Board designated by the Board, such employee shall be granted official time for such participation, including necessary travel time, as occurs during the employee's regular work hours and when the employee would otherwise be in a work or paid leave status.

§ 2429.14 Witness fees.

(a) Witnesses (whether appearing voluntarily, or under a subpena) shall be paid the fee and mileage allowances which are paid subpenaed witnesses in the courts of the United States: *Provided*, that any witness who is employed by the Federal Government shall not be entitled to receive witness fees in addition to compensation received pursuant to § 2429.13.

(b) Witness fees and mileage allowances shall be paid by the party at whose instance the witnesses appear, except when the witness receives compensation pursuant to §2429.13.

§2429.15 Board requests for advisory opinions.

(a) Whenever the Board, pursuant to 5 U.S.C. 7105(i), as applied by the CAA, requests an advisory opinion from the Director of the Office of Personnel Management concerning the proper interpretation of rules, regulations, or policy directives issued by that Office in connection with any matter before the Board, a copy of such request, and any response thereto, shall be served upon the parties in the matter.

(b) The parties shall have fifteen (15) days from the date of service of a copy of the response of the Office of Personnel Management to file with the Board comments on that response which the parties wish the Board to consider before reaching a decision in the matter. Such comments shall be in writing and copies shall be served upon the other parties in the matter and upon the Office of Personnel Management.

§2429.16 General remedial authority.

The Board shall take any actions which are necessary and appropriate to administer effectively the provisions of chapter 71 of title 5 of the United States Code, as applied by the CAA.

§2429.17 [Reserved]
§2429.18 [Reserved]

Subpart B—General Requirements

§2429.21 [Reserved]
§2429.22 [Reserved]
§2429.23 Extension; waiver.

(a) Except as provided in paragraph (d) of this section, the Board or General Counsel, or their designated representatives, as appropriate, may extend any time limit provided in this subchapter for good cause shown, and shall notify the parties of any such extension. Requests for extensions of time shall be in writing and received by the appropriate official not later than five (5) days before the established time limit for filing, shall state the position of the other parties on the request for extension, and shall be served on the other parties.

(b) Except as provided in paragraph (d) of this section, the Board or General Counsel, or their designated representatives, as appropriate, may waive any expired time limit in this subchapter in extraordinary circumstances. Request for a waiver of time limits shall state the position of the other parties and shall be served on the other parties.

(c) The time limits established in this subchapter may not be extended or waived in any manner other than that described in this subchapter.

(d) Time limits established in 5 U.S.C. 7105(f), 7117(c)(2) and 7122(b), as applied by the CAA, may not be extended or waived under this section.

§2429.24 [Reserved]
§2429.25 [Reserved]
§2429.26 [Reserved]
§2429.27 [Reserved]
§2429.28 Petitions for amendment of regulations.

Any interested person may petition the Board in writing for amendments to any portion of these regulations. Such petition shall identify the portion of the regulations involved and provide the specific language of the proposed amendment together with a statement of grounds in support of such petition.

SUBCHAPTER D—IMPASSES

PART 2470—GENERAL

Subpart A Purpose

Sec.
2470.1 Purpose.

Subpart B—Definitions

2470.2 Definitions.

Subpart A—Purpose

§2470.1 Purpose.

The regulations contained in this subchapter are intended to implement the provisions of section 7119 of title 5 of the United States Code, as applied by the CAA. They prescribe procedures and methods which the Board may utilize in the resolution of negotiation impasses when voluntary arrangements, including the services of the Federal Mediation and Conciliation Service or any other third-party mediation, fail to resolve the disputes.

Subpart B—Definitions

§2470.2 Definitions.

(a) The terms *Executive Director, employing office, labor organization, and conditions of employment* as used herein shall have the meaning set forth in Part 2421 of these rules.

(b) The terms *designated representative or designee* of the Board means a Board member, a staff member, or other individual designated by the Board to act on its behalf.

(c) The term *hearing* means a factfinding hearing, arbitration hearing, or any other hearing procedure deemed necessary to accomplish the purposes of 5 U.S.C. 7119, as applied by the CAA.

(d) The term *impasse* means that point in the negotiation of conditions of employment at which the parties are unable to reach agreement, notwithstanding their efforts to do so by direct negotiations and by the use of mediation or other voluntary arrangements for settlement.

(e) The term *Board* means the Board of Directors of the Office of Compliance.

(f) The term *party* means the agency or the labor organization participating in the negotiation of conditions of employment.

(g) The term *voluntary arrangements* means any method adopted by the parties for the purpose of assisting them in their resolution of a negotiation dispute which is not inconsistent with the provisions of 5 U.S.C. 7119, as applied by the CAA.

PART 2471—PROCEDURES OF THE BOARD IN IMPASSE PROCEEDINGS

Sec.
2471.1 Request for Board consideration; request for Board approval of binding arbitration.
2471.2 Request form.
2471.3 Content of request.
2471.4 Where to file.
2471.5 Copies and service.
2471.6 Investigation of request; Board recommendation and assistance; approval of binding arbitration.
2471.7 Preliminary hearing procedures.
2471.8 Conduct of hearing and prehearing conference.
2471.9 Report and recommendations.
2471.10 Duties of each party following receipt of recommendations.
2471.11 Final action by the Board.
2471.12 Inconsistent labor agreement provisions.

§2471.1 Request for Board consideration; request for Board approval of binding arbitration.

If voluntary arrangements, including the services of the Federal Mediation and Conciliation Services or any other third-party mediation, fail to resolve a negotiation impasse:

(a) Either party, or the parties jointly, may request the Board to consider the matter by filing a request as hereinafter provided; or the Board may, pursuant to 5 U.S.C. 7119(c)(1), as applied by the CAA, undertake consideration of the matter upon request of (i) the Federal Mediation and Conciliation Service, or (ii) the Executive Director; or

(b) The parties may jointly request the Board to approve any procedure, which they have agreed to adopt, for binding arbitration of the negotiation impasse by filing a request as hereinafter provided.

§2471.2 Request form.

A form has been prepared for use by the parties in filing a request with the Board for consideration of an impasse or approval of a binding arbitration procedure. Copies are available from the Executive Director, Office of Compliance.

§2471.3 Content of request.

(a) A request from a party or parties to the Board for consideration of an impasse must be in writing and include the following information:

(1) Identification of the parties and individuals authorized to act on their behalf;

(2) Statement of issues at impasse and the summary positions of the initiating party or parties with respect to those issues; and

(3) Number, length, and dates of negotiation and mediation sessions held, including the nature and extent of all other voluntary arrangements utilized.

(b) A request for approval of a binding arbitration procedure must be in writing, jointly filed by the parties, and include the following information about the pending impasse:

(1) Identification of the parties and individuals authorized to act on their behalf;

(2) Brief description of the impasse including the issues to be submitted to the arbitrator;

(3) Number, length, and dates of negotiation and mediation sessions held, including the nature and extent of all other voluntary arrangements utilized;

(4) Statement that the proposals to be submitted to the arbitrator contain no questions concerning the duty to bargain; and

(5) Statement of the arbitration procedures to be used, including the type of arbitration, the method of selecting the arbitrator, and the arrangement for paying for the proceedings or, in the alternative, those provisions of the parties' labor agreement which contain this information.

§2471.4 Where to file.

Requests to the Board provided for in this part, and inquiries or correspondence on the status of impasses or other related matters, should be addressed to the Executive Director, Office of Compliance.

§2471.5 Copies and service.

(a) Any party submitting a request for Board consideration of an impasse or a request for approval of a binding arbitration procedure shall file an original and one copy with the Board and shall serve a copy of such request upon all counsel of record or other designated representative(s) of parties, upon parties not so represented, and upon any mediation service which may have been utilized. When the Board acts on a request from the Federal Mediation and Conciliation Service or acts on a request from the Executive Director, it will notify the parties to the dispute, their counsel of record or designated representatives, if any, and any mediation service which may have been utilized. A clean copy capable of being used as an original for purposes such as further reproduction may be submitted for the original. Service upon such counsel or representative shall constitute service upon the party, but a copy also shall be transmitted to the party.

(b) Any party submitting a response to or other document in connection with a request for Board consideration of an impasse or a request for approval of a binding arbitration procedure shall file an original and one copy with the Board and shall serve a copy of the

document upon all counsel of record or other designated representative(s) of parties, or upon parties not so represented. A clean copy capable of being used as an original for purposes such as further reproduction may be submitted for the original. Service upon such counsel or representative shall constitute service upon the party, but a copy also shall be transmitted to the party.

(c) A signed and dated statement of service shall accompany each document submitted to the Board. The statement of service shall include the names of the parties and persons served, their addresses, the date of service, the nature of the document served, and the manner in which service was made.

(d) The date of service or date served shall be the day when the matter served is deposited in the U.S. mail or is delivered in person.

(e) Unless otherwise provided by the Board or its designated representatives, any document or paper filed with the Board under these rules, together with any enclosure filed therewith, shall be submitted on 8½11-inch size paper.

§2471.6 Investigation of request; Board recommendation and assistance; approval of binding arbitration.

(a) Upon receipt of a request for consideration of an impasse, the Board or its designee will promptly conduct an investigation, consulting when necessary with the parties and with any mediation service utilized. After due consideration, the Board shall either:

(1) Decline to assert jurisdiction in the event that it finds that no impasse exists or that there is other good cause for not asserting jurisdiction, in whole or in part, and so advise the parties in writing, stating its reasons; or

(2) Recommend to the parties procedures, including but not limited to arbitration, for the resolution of the impasse and/or assist them in resolving the impasse through whatever methods and procedures the Board considers appropriate.

(b) Upon receipt of a request for approval of a binding arbitration procedure, the Board or its designee will promptly conduct an investigation, consulting when necessary with the parties and with any mediation service utilized. After due consideration, the Board shall either approve or disapprove the request; *provided, however,* that when the request is made pursuant to an agreed-upon procedure for arbitration contained in an applicable, previously negotiated agreement, the Board may use an expedited procedure and promptly approve or disapprove the request, normally within five (5) workdays.

§2471.7 Preliminary hearing procedures.

When the Board determines that a hearing is necessary under §2471.6, it will:

(a) Appoint one or more of its designees to conduct such hearing; and

(b) issue and serve upon each of the parties a notice of hearing and a notice of prehearing conference, if any. The notice will state: (1) The names of the parties to the dispute; (2) the date, time, place, type, and purpose of the hearing; (3) the date, time, place, and purpose of the prehearing conference, if any; (4) the name of the designated representatives appointed by the Board; (5) the issues to be resolved; and (6) the method, if any, by which the hearing shall be recorded.

§2471.8 Conduct of hearing and prehearing conference.

(a) A designated representative of the Board, when so appointed to conduct a hearing, shall have the authority on behalf of the Board to:

(1) Administer oaths, take the testimony or deposition of any person under oath, receive other evidence, and issue subpenas;

(2) Conduct the hearing in open, or in closed session at the discretion of the designated representative for good cause shown;

(3) Rule on motions and requests for appearance of witnesses and the production of records;

(4) Designate the date on which posthearing briefs, if any, shall be submitted;

(5) Determine all procedural matters concerning the hearing, including the length of sessions, conduct of persons in attendance, recesses, continuances, and adjournments; and take any other appropriate procedural action which, in the judgment of the designated representative, will promote the purpose and objectives of the hearing.

(b) A prehearing conference may be conducted by the designated representative of the Board in order to:

(1) Inform the parties of the purpose of the hearing and the procedures under which it will take place;

(2) Explore the possibilities of obtaining stipulations of fact;

(3) Clarify the positions of the parties with respect to the issues to be heard; and

(4) Discuss any other relevant matters which will assist the parties in the resolution of the dispute.

§2471.9 Report and recommendations.

(a) When a report is issued after a hearing conducted pursuant to §§2471.7 and 2471.8, it normally shall be in writing and, when authorized by the Board, shall contain recommendations.

(b) A report of the designated representative containing recommendations shall be submitted to the parties, with two (2) copies to the Executive Director, within a period normally not to exceed thirty (30) calendar days after receipt of the transcript or briefs, if any.

(c) A report of the designated representative not containing recommendations shall be submitted to the Board with a copy to each party within a period normally not to exceed thirty (30) calendar days after receipt of the transcript or briefs, if any. The Board shall then take whatever action it may consider appropriate or necessary to resolve the impasse.

§2471.10 Duties of each party following receipt of recommendations.

(a) Within thirty (30) calendar days after receipt of a report containing recommendations of the Board or its designated representative, each party shall, after conferring with the other, either:

(1) Accept the recommendations and so notify the Executive Director; or

(2) Reach a settlement of all unresolved issues and submit a written settlement statement to the Executive Director; or

(3) Submit a written statement to the Executive Director setting forth the reasons for not accepting the recommendations and for not reaching a settlement of all unresolved issues.

(b) A reasonable extension of time may be authorized by the Executive Director for good cause shown when requested in writing by either party prior to the expiration of the time limits.

§2471.11 Final action by the Board.

(a) If the parties do not arrive at a settlement as a result of or during actions taken under §§2471.6(a)(2), 2471.7, 2471.8, 2471.9, and 2471.10, the Board may take whatever action is necessary and not inconsistent with 5 U.S.C. chapter 71, as applied by the CAA, to resolve the impasse, including but not limited to, methods and procedures which the Board considers appropriate, such as directing the parties to accept a factfinder's recommendations, ordering binding arbitration conducted according to whatever procedure the Board deems suitable, and rendering a binding decision.

(b) In preparation for taking such final action, the Board may hold hearings, administer oaths, and take the testimony or deposition of any person under oath, or it may appoint or designate one or more individuals pursuant to 5 U.S.C. 7119(c)(4), as applied by the CAA, to exercise such authority on its behalf.

(c) When the exercise of authority under this section requires the holding of a hearing, the procedure contained in §2471.8 shall apply.

(d) Notice of any final action of the Board shall be promptly served upon the parties, and the action shall be binding on such parties during the term of the agreement, unless they agree otherwise.

§2471.12 Inconsistent labor agreement provisions.

Any provisions of the parties' labor agreements relating to impasse resolution which are inconsistent with the provisions of either 5 U.S.C. 7119, as applied by the CAA, or the procedures of the Board shall be deemed to be superseded.

THE NUCLEAR WASTE POLICY ACT OF 1996

Mr. CRAIG. Mr. President, as we reach the final days of the 104th Congress, an urgent environmental problem remains unresolved. However, unlike many issues, fortunately the question of how to deal with this Nation's high-level nuclear waste has an answer that is responsible, fair, environmentally friendly and supported by members of both parties.

Today, high level nuclear waste and highly radioactive used nuclear fuel is accumulating at more than 80 sites in 41 States. Each year, as that increases, our ability to continue storage of this used fuel at each of these sites in a safe and responsible way diminishes. The only responsible choice is to support legislation that solves this problem by safely moving this used fuel to a safe, monitored facility in the remote Nevada desert. This answer will lead us to a safer future for all Americans.

To facilitate our consideration of such legislation, yesterday I, along with Senator MURKOWSKI, introduced S. 1936, a bill to amend the Nuclear Waste Policy Act of 1982, and it was placed on the calendar. S. 1936 retains the fundamental goals and structure of the substitute for S. 1271 that was reported out of the Energy and Natural Resources Committee last March.

However, S. 1936 contains many important clarifications and changes that deal with concerns raised regarding the details of that legislation by Members of this body. In addition, we took into account the provisions of H.R. 1020, which was reported out of the House Commerce Committee on an overwhelming bipartisan vote last year. We adopted much of the language found in H.R. 1020 in order to make the bill as similar to the bill under consideration in the House as possible.

I would like to describe some of the most significant of these changes. S.

1936 eliminates certain provisions contained in S. 1271 that would have limited the application of the National Environmental Policy Act to the intermodal transfer facility and imposed a general limitation on NEPA's application to the Secretary's actions to only those NEPA requirements specified in the bill. This was to allay the concern that sufficient environmental analysis would not be done under S. 1271.

S. 1936 clarifies that transportation of spent fuel shall be governed by all requirements of Federal, State, and local governments and Indian tribes to the same extent that any person engaging in transportation in interstate commerce must comply with those requirements. S. 1936 also allows that the Secretary provide technical assistance and funds for training to Unions with experience in safety training for transportation workers. In addition, S. 1936 clarifies that existing employee protections in title 49, United States Code in connection with refusal to work in hazardous conditions apply to transportation under this act. It also provides that certain inspection activities will be carried out by carmen and operating crews only if they are adequately trained. Finally, S. 1936 provides authority for the Secretary of Transportation to establish training standards, as necessary, for workers engaged in the transportation, storage and disposal of spent fuel and high-level waste.

In order to ensure that the size and scope of the interim storage facility is manageable in the context of the overall nuclear waste program, and yet adequate to address the Nation's immediate spent fuel storage needs, S. 1936 would limit the size of phase I of the interim storage facility to 15,000 metric tons of spent fuel, and the size of phase II of the facility to 40,000 metric tons. Phase II of the facility would be expandable to 60,000 metric tons if the Secretary fails to meet her projected goals with regard to site characterization and licensing of the permanent repository site. In contrast, S. 1271 provided for storage of 20,000 metric tons of spent fuel in phase I and 100,000 metric tons in phase II.

Unlike S. 1271, which provided for unlimited use of existing facilities at the Nevada Test Site for handling spent fuel at the interim facility, S. 1936 allows only the use of those facilities for emergency situations during phase I of the interim facility. These facilities should not be needed during phase I and construction of new facilities will be overseen by the Nuclear Regulatory Commission for any fuel handling during phase II of the interim facility.

S. 1271 would have set the standard for releases of radioactivity from the repository at a maximum annual dose to an average member of the general population in the vicinity of Yucca Mountain at 100 millirem.

The 100 millirem standard is fully consistent with current national and international standards designed to protect public health and safety and the environment. While maintaining an initial 100 millirem standard, S. 1936 would allow the Nuclear Regulatory Commission to apply another standard if it finds that the standard in the legislation would pose an unreasonable risk to the health and safety of the public.

S. 1936 contains provisions not found in S. 1271 that would grant financial and technical assistance for oversight activities and payments in lieu of taxes to affected units of local government and Indian tribes within the State of Nevada. S. 1936 also contains new provisions transferring certain Bureau of Land Management parcels to Nye County, NV.

In order to ensure that monies collected for the Nuclear Waste Fund are utilized for purposes of the Nuclear Waste Program, beginning in fiscal year 2003, S. 1936 would convert the current Nuclear Waste Fee that is paid by electricity consumers into a user fee that is assessed based upon the level of appropriations for the year in which the fee is collected.

Section 408 of S. 1271 provided authority for the Secretary to execute emergency relief contracts with certain eligible utilities that would provide for qualified entities to ship, store, and condition spent nuclear fuel. This provision concerned some who feared it could be interpreted to provide new authority for reprocessing in this country or abroad. This provision is not contained in S. 1936.

S. 1271 contained a provision that stated the actions authorized by the bill would be governed only by the requirements of the Nuclear Waste Policy Act, the Atomic Energy Act and the Hazardous Materials Transportation Act. S. 1936 eliminates this provision and instead provides that, if any law is inconsistent with the provisions of the Nuclear Waste Policy Act and the Atomic Energy Act, those acts will govern. S. 1936 further provides that any requirement of a State or local government is preempted only if complying with the State or local requirement and the Nuclear Waste Policy Act is impossible, or if the requirement is an obstacle to carrying out the act. This language is consistent with the preemption authority found in the existing Hazardous Materials Transportation Act.

S. 1936 authorizes the Secretary to take title to the fuel at the Dairyland Power Cooperative's La Crosse reactor, and authorizes the Secretary to pay for the on-site storage of the fuel until DOE removes the fuel from the site under terms of the act.

S. 1936 contains language making a number of changes designed to improve the management of the nuclear waste program to ensure the program is operated, to the maximum extent possible, in like manner to a private business.

Finally, although we had not reached a final agreement with Senator JOHNSTON on language regarding the schedule and conditions for the beginning of construction on the interim facility at the time S. 1936 was filed, the bill contains new language that was drafted in an attempt to address Senator JOHNSTON's concerns. The language in S. 1936 provides that construction shall not begin on an interim storage facility at Yucca Mountain before December 31, 1998.

The bill provides for the delivery of an assessment of the viability of the Yucca Mountain site to the President and Congress by the Secretary of Energy 6 months before the construction can begin on the interim facility. If, based upon the information before him, the President determines, in his discretion, that Yucca Mountain is not suitable for development as a repository, then the Secretary shall cease work on both the interim and permanent repository programs at the Yucca Mountain site. The bill further provides that, if the President makes such a determination, he shall have 18 months to designate an interim storage facility site. If the President fails to designate a site, or if a site he has designated has not been approved by Congress within 2 years of his determination, the Secretary is instructed to construct an interim storage facility at the Yucca Mountain Site.

This provision ensures that the construction of an interim storage facility at the Yucca Mountain site will not occur before the President and Congress have had an ample opportunity to review the technical assessment of the suitability of the Yucca Mountain site for a permanent repository and to designate an alternative site for interim storage based upon that technical information. However, this provision also ensures that, ultimately, an interim storage facility site will be chosen. Without this assurance, we leave open the possibility we will find in 1998 we have no interim storage, no permanent repository program, and—after more than 15 years and $6 billion spent—that we are back to where we started in 1982 when we passed the first version of the Nuclear Waste Policy Act .

This issue provides a clear and simple choice. We can choose to have one, remote, safe and secure nuclear waste storage facility. Or, through inaction and delay, we can perpetuate the status quo and have 80 such sites spread across the Nation. It is irresponsible to shirk our responsibility to protect the environment and the future for our children and grandchildren. This Nation needs to confront its nuclear waste problem now. I urge my colleagues to vote for cloture and support the passage of S. 1936.

PACTA SUNT SERVANDA

Mr. MOYNIHAN. Mr. President, today, Israeli Prime Minister Bingamin Netanyahu delivered an important address to Congress in which he outlined his vision of continued close ties between our two democracies

and of the peace process between Israel and her neighbors. A process with which we have been so closely involved.

His address had many important elements, none more so than when he deviated from his prepared statement to pronounce the ancient Roman maxim: Pacta sunt servanda—agreements must be honored. It should not come as a surprise that the disciple of the disciple of Vladimir Jabotinsky speaks of the importance of international law when addressing the U.S. Congress.

Jabotinsky found the Revisionist party—the forerunner of the present Likud party—in 1925 which had as its goal the establishment of a Jewish state in Palestine under the protection of international law. When Prime Minister Netanyahu asserts that agreements must be honored, he aligns himself with a principle that was of vital importance in international affairs at the beginning of this century but which suffered neglect during the cold war.

From its earliest days the leaders of the Soviet Union had asserted, in the words of Maxim Litvinov, People's Commissar for Foreign Affairs, in 1922 that ''there was not one world but two—a Soviet world and a non-Soviet world * * * there was no third world to arbitrate. * * *'' Which is to say there was no common law against which to measure conduct.

This was the Soviet view until Mikhail Gorbachev came before the General Assembly of the United Nations on December 7, 1988, to remind the General Assembly of the political, juridical and moral importance of Pacta sunt servanda. Mr. Gorbachev went on:

> While championing demilitarization of international relations, we would like political and legal methods to reign supreme in all attempts to solve the arising problems.
>
> Our ideal is a world community of states with political systems and foreign policies based on law.
>
> This could be achieved with the help of an accord within the framework of the U.N. on a uniform understanding of the principles and norms of international law; their codification with new conditions taken into consideration; and the elaboration of legislation for new areas of cooperation.
>
> In the nuclear era, the effectiveness of international law must be based on norms reflecting a balance of interests of states, rather than on coercion.
>
> As the awareness of our common fate grows, every state would be genuinely interested in confining itself within the limits of international law.

The chairman of the Presidium of the Supreme Soviet had come to New York and offered terms of surrender. Gorbachev knew what it meant for the Soviets to assert that they would be bound by norms of international law. Quite simply, official Washington did not, for it no longer actively felt that the United States was bound by such norms. Passively, yes; if pressed. But this was not something we pressed on others in general or thought much about. I wrote:

> In the annals of forgetfulness there is nothing quite to compare with the fading from the American mind of the idea of the law of nations. In the beginning this law was set forth as the foundation of our national existence. By all means wash this proposition with cynical acid and see how it shrinks.

Prime Minister Netanyahu has raised the possibility that we may one day close that chapter in the annals of forgetfulness. I hope that my colleagues and those in the administration have taken note.

Mr. Netanyahu stresses that the peace agreements that Israel has made with her neighbors will be followed and that future agreements will be based on law. As he stated, ''we seek to broaden the circle of peace to the whole Arab world and the rest of the Middle East.''

This is an important day for both our countries. I congratulate Mr. Netanyahu for his address and wish him well as he embarks on his term as Prime Minister.

REPORT RELATIVE TO THE PEOPLE'S REPUBLIC OF CHINA—MESSAGE FROM THE PRESIDENT—PM 159

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

To the Congress of the United States:

Pursuant to the authority vested in me by section 902(b)(2) of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (Public Law 101–246) (''the Act''), and as President of the United States, I hereby report to the Congress that it is in the national interest of the United States to terminate the suspensions under section 902(a) of the Act with respect to the issuance of licenses for defense article exports to the People's Republic of China and the export of U.S.-origin satellites, insofar as such restrictions pertain to the Globalstar satellite project. License requirements remain in place for these exports and require review and approval on a case-by-case basis by the United States Government.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *July 9, 1996.*

MESSAGES FROM THE HOUSE

At 12:08 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House agrees to the amendments of the Senate to the bill (H.R. 3121) to amend the Foreign Assistance Act of 1961 and the Arms Export Control Act to make improvements to certain defense and security assistance provisions under those acts, to authorize the transfer of naval vessels to certain foreign countries, and for other purposes.

ENROLLED BILL SIGNED

The message also announced that the Speaker signed the following enrolled bill:

H.R. 3121. An act to amend the Foreign Assistance Act of 1961 and the Arms Export Control Act to make improvements to certain defense and security assistance provisions under those acts, to authorize the transfer of naval vessels to certain foreign countries, and for other purposes.

At 2:02 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 248. An act to amend the Public Health Service Act to provide for the conduct of expanded studies and the establishment of innovative programs with respect to traumatic brain injury, and for other purposes.

H.R. 3431. An act to amend the Armored Car Industry Reciprocity Act of 1993 to clarify certain requirements and to improve the flow of interstate commerce.

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent and referred as indicated:

H.R. 3431. An act to amend the Armored Car Industry Reciprocity Act of 1993 to clarify certain requirements and to improve the flow of interstate commerce; to the Committee on Commerce, Science, and Transportation.

MEASURE PLACED ON THE CALENDAR

The following measure was read the second time and placed on the calendar:

S. 1936. A bill to amend the Nuclear Waste Policy Act of 1982.

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–3270. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Viruses, Serums, Toxins, and Analogous Products,'' received on July 2, 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3271. A communication from the Assistant Secretary of the Marketing and Regulatory Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Fees for Rice Inspection,'' (RIN0580–AA47) received on July 2, 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3272. A communication from the President of the United States, transmitting, to law, a proposal relative to the Department of Agriculture appropriations request for fiscal year 1997; to the Committee on Appropriations.

EC–3273. A communication from the Acting Architect of the Capitol, transmitting, pursuant to law, a report of the expenditures of the Architect from October 1, 1995 through March 31, 1996; to the Committee on Appropriations.

EC–3274. A communication from the Secretary of the Department of Defense, transmitting, pursuant to law, a report relative to

the Abrams Upgrade program; to the Committee on Armed Services.

EC–3275. A communication from the Secretary of the Department of Defense, transmitting, pursuant to law, the notice of a retirement; to the Committee on Armed Services.

EC–3276. A communication from the Assistant Comptroller General, National Security and International Affairs Division, General Accounting Office, transmitting, pursuant to law, a report relative to major weapon systems; to the Committee on Armed Services.

EC–3277. A communication from the Director of the Office of Federal Housing Enterprise Oversight, transmitting, pursuant to law, the report of a rule entitled ''Minimum Capital,'' (RIN2550–AA03) received on July 1, 1996; to the Committee on Banking, Housing, and Urban Affairs.

EC–3278. A communication from the Secretary of the Department of Housing and Urban Development, transmitting, pursuant to law, a report relative to alternatives to mortgage forclosures; to the Committee on Banking, Housing, and Urban Affairs.

EC–3279. A communication from the President of the United States, transmitting, pursuant to law, a proclamation of a State of Emergency; to the Committee on Banking, Housing, and Urban Affairs.

EC–3280. A communication from the Acting Under Secretary for Food Safety, Food Safety and Inspection Service, Department of Agriculture, transmitting, pursuant to law, ''Pathogen Reduction,'' (RIN0583–AB69) received on July 9, 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3281. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Karnal Bunt,'' received on July 9, 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3282. A communication from the Secretary of Agriculture, transmitting, pursuant to law, a report relative to the interstate shipment of meat and poultry products inspected under state programs; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3283. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Correction Docket,'' received July 8, 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3284. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Assessment Rate for Domestically Produced Peanuts handled by Persons Not Subject to Peanut Marketing Agreement No. 146,'' received on July 8, 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3286. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Grading and Inspection, General Specification for Approved Plants and Standards for Grades of Dairy Products,'' received on July 8, 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3287. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Onions Grown in Certain Designated Counties in Idaho, and Malheur County, Oregon, and Imported Onions,'' received on July 8, 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3288. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Irish Potatoes Grown in Washington,'' received on July 8, 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3289. A communication from the Director of Defense Procurement, Office of the Under Secretary of Defense, transmitting, pursuant to law, the report of a rule entitled ''Defense Federal Acquisition Regulation Supplement,'' received on July 8, 1996; to the Committee on Armed Services.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HATCH, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 483. A bill to amend the provisions of title 17, United States Code, with respect to the duration of copyright, and for the other purposes (Rept. No. 104–315).

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 Mrs. FEINSTEIN (for herself, Mrs. BOXER, Ms. MOSELEY-BRAUN, and Ms. SNOWE):

S. 1937. A bill to allow postal patrons to contribute to funding for breast-cancer research through the voluntary purchase of certain specially issued United States postage stamps; to the Committee on Governmental Affairs.

By Mr. BOND (for himself and Mr. SANTORUM):

S. 1938. A bill to enact the model Good Samaritan Act Food Donation Act, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. CONRAD (for himself, Mr. DORGAN, and Mr. KERREY):

S. 1939. A bill to improve reporting in the livestock industry and to ensure the competitiveness of livestock producers, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. FRIST (for himself, Mr. THOMPSON, and Ms. MOSELEY-BRAUN):

S. 1940. A bill to authorize appropriations for the preservation and restoration of historic buildings at historically black colleges and universities; to the Committee on Energy and Natural Resources.

By Mr. MOYNIHAN (for himself and Mr. D'AMATO):

S. 1941. A bill to designate the Federal building located at 290 Broadway in New York, New York, as the ''Ronald H. Brown Federal Building''; to the Committee on Environment and Public Works.

By Mr. BAUCUS (for himself, Mr. GORTON, and Mrs. MURRAY):

S. 1942. A bill to amend the Internal Revenue Code of 1986 to provide tax treatment for foreign investment through a United States regulated investment company comparable to the tax treatment for direct foreign investment and investment through a foreign mutual fund; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. FEINSTEIN (for herself, Mrs. BOXER, Ms. MOSELEY-BRAUN AND MS. SNOWE):

S. 1937. A bill to allow postal patrons to contribute to funding for breast-cancer research through the voluntary purchase of certain specially issued United States postage stamps; to the Committee on Governmental Affairs.

THE BREAST CANCER RESEARCH STAMP ACT

• Mrs. FEINSTEIN. Mr. President, I, along with Senators BOXER, MOSELEY-BRAUN, and SNOWE would like to introduce the Breast Cancer Research Stamp Act.

In a time of shrinking budgets and resources for breast cancer research, this legislation would provide an innovative way to provide additional funding for breast cancer research.

This bill would: authorize the U.S. Postal Service to issue an optional special first class stamp to be priced at 1 cent above the cost of normal first-class postage; earmark a penny of every stamp for breast cancer research; provide administrative costs from the revenues for post office expenses; and clarify current law, that any similar stamp would require an act of Congress to be issued in the future.

If only 10 percent of all the first class mail used this optional 33 cent stamp, $60 million could be raised for breast cancer research annually.

There is wide support for this legislation. Congressman FAZIO, along with 62 cosponsors have already introduced the companion bill in the House.

The breast cancer epidemic has been called this Nation's best kept secret. There are 2.6 million women in America today with breast cancer, 1 million of whom have yet to be diagnosed with the disease.

In 1996, an estimated 184,000 will be diagnosed with, and 44,300 will die from, breast cancer. It is the No. 1 killer of women ages 40 to 44 and the leading cause of cancer death in women ages 15 to 54, claiming a woman's life every 12 minutes in this country.

For California, 17,100 women will be diagnosed with breast cancer and 4,100 women will die from the disease in 1996.

In addition to the cost of women's lives, the annual cost of treatment of beast cancer in the United States is approximately $10 billion. This means the average American woman will have $5,000 added to her health care costs because of the disease.

Over the last 25 years, the National Institutes of Health has spent over $31.5 billion on cancer research—$2 billion of that on breast cancer. In the last 6 years alone, appropriations for breast cancer research have risen from $90 million in 1990 to $600 million today. That is the good news.

But, the bad news is that the national commitment to cancer research overall has been hamstrung since 1980. Currently, NIH is able to fund only 23 percent of applications received by all the institutes. For the Cancer Institute, only 23 percent can be funded—significant drop from the 60 percent of applications funded in the 1970's.

Most alarming is the rapidly diminishing grant funding available for new researcher applicants.

In real numbers, the National Cancer Institute will fund approximately 3,600 research projects, of which about 1,000 are new, previously unfunded activities. For investigator-initiated research, only 600 out of 1,900 research projects will be new.

The United States is privileged to have some of the most talented scientists and many of the leading cancer research centers in the world such as UCLA, UC San Francisco, Memorial Sloan-Kettering, and the M.D. Anderson.

This lack of funding is starving some of the most important research—because scientists will have to look elsewhere for their livelihood.

The United States must reverse the trend of diminishing research funds if these scientists and institutions are to continue to contribute their vast talents to the war on cancer and finding a cure.

What is clear is that there is a direct correlation between increases in research funding and the likelihood of finding a cure.

Cancer mortality has declined by 15 percent from 1950 to 1992 due to increases in cancer research funding. In fact, federally funded cancer research has yielded vast amounts of knowledge about the disease—information which is guiding our efforts to improve treatment and search for a cure. We have more knowledge and improvements in prevention through: identification of a cancer gene, use of mammographies, clinical exams, and encouragement of self breast exams. Yet there is still no cure.

The Bay Area has one of the highest rates of breast cancer incidence and mortality in the world. According to data given to my staff by the Northern California Cancer Center, Bay Area white women have the highest reported breast cancer rate in the world, 104 per 100,000 population. Bay Area African-American women have the fourth highest reported rate in the world at 82 per 100,000.

I want to recognize Dr. Balazs (Ernie) Bodai who suggested this innovative funding approach. Dr. Bodai is the chief of the surgery department at the Kaiser Permanente Medical Group in Sacramento, CA. He is the founder of Cure Cancer Now, which is a nonprofit organization committed to developing a funding source for breast cancer research.

As you know, last week the Postal Service introduced their breast cancer awareness stamp. Although the issuance of the awareness stamp was an important step toward educating the public about the disease, the Breast Cancer Research Stamp Act is a new and different effort in that it would actually raise funds for the NIH research on breast cancer, and if the stamps were purchased and not used, the postal service would still make money.

This legislation is also supported by the American Cancer Society, Association of Operating Room Nurses, California Health Collaborative Foundations, YWCA-Encore Plus, the Sacramento City Council and Mayor Joe Serna, Siskiyou County Board of Supervisors, Sutter County Board of Supervisors, Nevada County Board of Supervisors, Yuba City Council, California State Senator Diane Watson and California State Assemblywoman Dede Alpert as well as the Public Employees Union, San Joaquin Public Employees Association, and Sutter and Yuba County Employees Association.

Given the intense competition for Federal research funds in a climate of shrinking budgets, the Breast Cancer Research Stamp Act would allow anyone who uses the postal service to contribute in finding a cure for the breast cancer epidemic.

In a sense, this particular proposal is a pilot. I recognize that the postal service may oppose this since it has not been done before. I also recognize that in a day of diminishing Federal resources, this innovation is an idea whose time has come.

It will make money for the post office and for breast cancer research. No one is forced to buy it, but women's organizations may even wish to sell the stamps in a fundraising effort.

The administrative costs can be handled with the 1 cent added on the 32 cent stamp and conservatively it can make from $60 million per year for NIH's research on breast cancer.

We need to find a cure for breast cancer and I believe the Breast Cancer Research Stamp Act is an innovative response to the hidden epidemic among women. I urge my colleagues to support this important legislation.

By Mr. BOND (for himself and Mr. SANTORUM):

S. 1938. A bill to enact the model Good Samaritan Act Food Donation Act, and for other purposes; to the Committee on Labor and Human Resources.

THE BILL EMERSON GOOD SAMARITAN FOOD DONATION ACT

● Mr. BOND. Mr. President, I pay tribute to my good friend and colleague from Missouri, Congressman Bill Emerson, who represented southeast Missouri's Eighth Congressional District for 16 years. Bill Emerson was well known in this body, and certainly to many around this city, and was loved by the people of southeast Missouri. He had a long and distinguished career of service in the U.S. Congress.

Bill was especially well known for his work in agriculture and in the fight against hunger, including being an ardent supporter of food distribution programs. One of his legislative priorities this session was a bill that would make it easier for millions of tons of unused food by restaurants, supermarkets, and other private businesses to end up in food pantries and shelters rather than in garbage cans and dumpsters.

In honor of Bill Emerson, I now send to the desk the Bill Emerson Good Samaritan Food Donation Act, which is identical to legislation championed by Bill Emerson before his death. In the past, private donors have been reluctant to make contributions to nonprofit organizations because they are concerned about potential civil and criminal liability. With this legislation, private donors will be protected from such liability, except in cases of gross negligence and intentional misconduct. Those in need will truly benefit from this legislation.

I am happy to continue Bill Emerson's effort, and I will work hard to ensure that the Senate passes this common sense approach to fight hunger. I hope my colleagues will join me in this effort.●

By Mr. CONRAD (for himself, Mr. DORGAN and Mr. KERREY):

S. 1939. A bill to improve reporting in the livestock industry and to ensure the competitiveness of livestock producers, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

THE LIVESTOCK MARKET REVITALIZATION ACT OF 1996

Mr. CONRAD. Mr. President, I rise today to introduce the Livestock Market Revitalization Act of 1996. My colleagues, Senator DORGAN and Senator KERREY of Nebraska, are cosponsors of this legislation.

I offer this legislation at a time of tremendous challenges within the livestock sector. The occupant of the Chair knows full well what we are facing in the livestock industry. His State is a major producer, as is mine. From long, drawn-out battles over meat inspection to sudden flareups like ''mad cow disease'' in England, to the debilitating price declines we have been experiencing for the last several months, the industry is facing repeated and difficult challenges.

The biggest challenge facing individual producers is the need to climb out of the downturn in the market and ensure a stable income long into the future. I know the occupant of the Chair knows full well, as other of my colleagues do, what has happened to the prices of livestock over the last year. It has been in precipitous and dramatic decline. The pressure this is putting on producers is enormous.

Let me just say that according to North Dakota State University, in 1995 net farm income in my State of North Dakota was down 24 percent. That is a 24-percent reduction in farm income, its lowest level in 6 years, largely because of the steep drop in cattle prices. In fact, for some, net farm income dropped as much as 30 percent from the previous year.

I was recently in my home State talking to some of my closest friends, many of them cattle producers. One after another related to me the extraordinary economic pressure they are under as a result of this steep decline in prices. These price declines are occurring at the same time concentration

within the livestock industry is at record levels. The top four meatpacking firms in America controlled 82 percent of the market in 1994, the latest statistic available. When Congress last took action to address this industry in 1920, the level of concentration was only 49 percent.

Mr. President, producers are deeply frustrated because they lack confidence in the livestock market and find it difficult to obtain timely, reliable market information.

Mr. President, I believe that is the least that we can do to ensure that market participants are engaged in a level playing field.

For this reason, I am introducing the Livestock Market Revitalization Act of 1996. This bill will restore confidence to the livestock market by achieving the following objectives:

First, define captive supplies to include livestock controlled by or committed to a packer more than 7 days prior to slaughter through standing arrangements, instead of the current 2 weeks.

Second, strengthen the position of the seller in the livestock market by providing them daily information on the demand for his or her livestock.

Third, collect and disseminate data on national, regional, and local market activities to monitor possible anticompetitive behavior.

Fourth, promote the use of a value-based pricing system that is equitable to all cattle dealers and packers.

Fifth, improve collection and dissemination of data on imports and exports of cattle and meat.

If there is one thing my producers have said to me, it is, ''We deserve to know what is going on in this market on a regional basis and on a local basis. We deserve to know what is happening with imports and exports. We deserve that information more readily.

Sixth, recognize that the USDA may need additional resources to achieve the objectives of the bill and ask the USDA to report its needs in this area.

Seventh, protect the interests of farmer-owned cooperatives by strengthening their ability to compete in the livestock market.

Eighth, improve labeling of cattle and meat so producers and consumers have more information about the origins of meat and meat products in retail markets.

Let me say that is not just in the interest of producers, that is in the interest of consumers as well. Where is the meat that they are buying coming from? What is the country of origin? I think that has been something that has been delayed for a little too long.

Ninth, encourage the livestock industry to review its efforts on product development to improve the demand for red meat.

Mr. President, now is the time to act. We must make action possible now. There should be no further delay.

The current depressed cattle market is devastating producers in all cattle producing States. While Members on both sides of the aisle, and the administration, have been actively seeking ideas to solve this problem, it is time to turn those ideas into action.

My bill addresses real concerns about an industry no one can argue is perfect, and many can argue has serious problems.

I have specifically designed this bill to be one which Republicans and Democrats can support—one that can achieve quick passage.

I would prefer to make the bill broader but I understand that in the interest of getting legislation through Congress in this shortened and busy year, lean and targeted legislation has better prospects.

Some of the items in my bill will bolster the authorities currently held by the USDA, and will complement the actions the administration has already taken. Those actions include the President's and the Secretary of Agriculture's decision to open the Conservation Reserve Program for haying and grazing, to accelerate the purchase of beef for the School Lunch Program, and to continue to maintain our net-exporter status on beef with an expected 16 percent increase in total beef exports from 1995 to 1996.

But while administrative actions are good, in a period as serious as this in which prices are depressed and market behaviors are troubling, it is incumbent on Congress to take action.

I believe the first action we should take is to get the best possible information. That is the main focus of my bill. It is not burdensome. It is not invasive. It does not point fingers. It is focused and forward-thinking.

It is an effort to help everyone understand the pressures at each level of the livestock industry, from producing to marketing to packing to retailing.

I hope my colleagues will join me in this very important effort.

I ask unanimous consent that a section-by-section description of the bill as well as the bill itself be printed in the RECORD.

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

S. 1939

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 ''Livestock Market Revitalization Act of 1996''.

SEC. 2. CAPTIVE SUPPLY.

(a) DEFINITION OF CAPTIVE SUPPLY.—Section 2(a) of the Packers and Stockyards Act, 1921 (7 U.S.C. 182(a)), is amended by adding at the end the following:

''(12) CAPTIVE SUPPLY.—The term 'captive supply' means livestock acquired for slaughter by a packer (including livestock delivered 7 days or more before slaughter) under a standing purchase arrangement, forward contract, or packer ownership, feeding, or financing arrangement, as determined by the Secretary.''.

(b) ANNUAL REPORT ON LIVESTOCK MARKETED OR SLAUGHTERED.—Section 407 of the Packers and Stockyards Act, 1921 (7 U.S.C. 228), is amended by adding at the end the following:

''(f) ANNUAL REPORT ON LIVESTOCK MARKETED OR SLAUGHTERED.—

''(1) IN GENERAL.—The Secretary shall make available to the public an annual statistical report on the number and volume of livestock marketed or slaughtered in the United States, including—

''(A) information collected on the date of enactment of this Act; and

''(B) information on transactions involving livestock in regional and local markets.

''(2) ADMINISTRATION.—In carrying out paragraph (1), the Secretary shall ensure that—

''(A) a significant share of regional and local livestock transactions are reported; and

''(B) the confidentiality of individual livestock transactions is maintained.''.

(c) INFORMATION ON CAPTIVE SUPPLY TRANSACTIONS.—Section 407 of the Packers and Stockyards Act, 1921 (7 U.S.C. 228), as amended by subsection (b), is amended by adding at the end the following:

''(g) INFORMATION ON CAPTIVE SUPPLY TRANSACTIONS.—

''(1) IN GENERAL.—Not later than 24 hours after a transaction involving captive supply is recorded, the Secretary shall make information concerning the transaction (including the specific standing arrangement) available to the public using electronic and other means that will ensure wide availability of the information.

''(2) ONGOING LIVESTOCK TRANSACTIONS.—Any information collected on captive supply under paragraph (1) shall be reported in conjunction with ongoing livestock transactions.''.

SEC. 3. MONITORING OF ANTITRUST AND ANTICOMPETITIVE BEHAVIOR AMONG PACKERS AND STOCKYARDS.

(a) IN GENERAL.—Section 407 of the Packers and Stockyards Act, 1921 (7 U.S.C. 228) (as amended by section 2(c)), is amended by adding at the end the following:

''(h) MONITORING OF ANTITRUST AND ANTICOMPETITIVE BEHAVIOR.—

''(1) IN GENERAL.—The Secretary shall—

''(A) review and monitor the degree of antitrust and anticompetitive behavior on a national, regional, and local basis (as defined by the Secretary) among packers, stockyard owners, market agencies, and dealers to ensure compliance with Federal law and to ensure that actions taken by packers, stockyard owners, market agencies, and dealers will enhance, and not diminish, competitiveness; and

''(B) report the results of the review and monitoring to Congress, the Attorney General, and the public.

''(2) COORDINATION.—The Secretary and the Attorney General shall coordinate efforts to ensure that packers, stockyard owners, market agencies, and dealers do not violate Federal law relating to antitrust and anticompetitive behavior.''.

(b) REPORTS.—Not later than 60 days after the date of enactment of this Act, the Secretary of Agriculture shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate—

(1) a report that—

(A) assesses the resource needs of the Department of Agriculture for effectively carrying out section 407(h) of the Packers and Stockyards Act, 1971 (7 U.S.C. 228(h)) (as added by subsection (a)); and

(B) includes a request for any additional funding that may be required for effectively carrying out section 407(h) of the Act; and

(2) a report that assesses progress in implementing additional monitoring activities

identifying geographical procurement markets described in the report entitled ''Monitoring by Packers and Stockyard Administration'', dated October 1991 (GAO/RCED-92-36).

SEC. 4. COLLECTION AND DISSEMINATION OF MARKETING INFORMATION.

Section 204(g) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1622(g)) is amended by adding at the end the following: ''In carrying out this subsection, on a national, regional, and local basis (as defined by the Secretary), the Secretary shall—

''(1) provide price information, with emphasis on providing the information at the point of sale;

''(2) provide price and other information on a regular and timely basis;

''(3) make the information available to the public electronically;

''(4) collect and disseminate information supplied by packers (as defined in section 201 of the Packers and Stockyards Act, 1921 (7 U.S.C. 191)) on contract pricing related to captive supply (as defined in section 2 of the Act (7 U.S.C. 182));

''(5) to the extent practicable, promote the use of consistent, value-based pricing methodology throughout the meat industry; and

''(6) report, on a weekly basis, the volume of cattle and meat products imported into the United States.''.

SEC. 5. COOPERATIVE BARGAINING.

Section 4 of the Agricultural Fair Practices Act of 1967 (7 U.S.C. 2303) is amended by adding at the end the following:

''(g) To fail to engage in good-faith negotiations with producer cooperatives (including new cooperatives), or to unfairly discriminate among producer cooperatives (including new cooperatives), with respect to the purchase, acquisition, or other handling of agricultural products.''.

SEC. 6. LABELING OF MEAT AND MEAT FOOD PRODUCTS.

Section 7(b) of the Federal Meat Inspection Act (21 U.S.C. 607(b)) is amended by striking ''require,'' and all that follows through the period at the end and inserting ''require—

''(1) the information required under section 1(n); and

''(2) if it was imported (or was produced from an animal that was located in another country for at least 120 days) and is graded, a grading labeling that bears the words 'imported', 'may have been imported', 'this product contains imported meat', 'this product may contain imported meat', 'this container contains imported meat', or 'this container may contain imported meat', as the case may be, or words to indicate its country of origin.''.

SEC. 7. LIVESTOCK INDUSTRY COMMISSION.

(a) IN GENERAL.—The Secretary of Agriculture shall, in consultation with representatives of the livestock industry, establish a national commission composed of non-governmental members appointed by the Secretary to study and recommend means of modernizing the livestock industry and responding to the consumer demand for red meat.

(b) STUDY.—In carrying out this section, the commission shall analyze costs and benefits, and make recommendations with respect to—

(1) value-added livestock products;

(2) the impact of antitrust and anticompetitive behavior on cattle prices;

(3) the grading system for meat used by the Secretary; and

(4) refunds of assessments collected under the Beef Research and Information Act (7 U.S.C. 2901 et seq.).

(c) REPORT.—Not later January 1, 2000, the commission shall submit a report the describes the results of the study required under this section to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

SECTION-BY-SECTION DESCRIPTION

SECTION 1. SHORT TITLE

The bill is titled Livestock Market Revitalization Act of 1996 to convey the sense that more information and monitoring is needed on a regional and local basis to ensure the competitiveness of the livestock industry.

SECTION 2. CAPTIVE SUPPLIES

(a) The intent is to respond to concerns that information about captive supplies is inadequate. The bill requests that the Secretary defines captive supply transactions to be when packers use any standing arrangement to procure cattle to be delivered for slaughter more than 7 days out. It is also intended that efforts to monitor anticompetitive and antitrust behavior be improved by collecting data nationally, regionally and locally on the types of standing arrangements used, so as a distribution of standing arrangements is provided.

(b) The intent is to provide guidance to packers using captive supplies to ensure that markets are as competitive as possible. The extent to which captive supplies are utilized nationally, regionally and locally are unknown.

(c) The intent is to ensure that the USDA reports statistics on livestock transactions in a regular and timely fashion, at least annually. In addition, the reports need to provide for more disaggregate information on the industry, maintaining all confidentially concerns. Specifically, the intent is to define and report by geographical procurement markets.

(d) The intent is to provide information on captive supplies in a more timely fashion and with the advancement and availability of technology, report no later than 24 hours after a transaction. This reporting requirement is not intended to be burdensome to any of the parties involved. It is intended to strengthen the position of the seller in the market with respect to knowing the demand for his/her livestock.

SECTION 3. MONITORING OF ANTITRUST AND ANTICOMPETITIVE BEHAVIOR AMONG PACKERS AND STOCKYARDS

(a) It is the intent to recognize the high level of concentration in the packing industry, and to ensure that the proper data is collected and disseminated to the industry so that cattlemen and stockmen can have the necessary data to go to Justice or USDA for enforcing the Sherman and Clayton and P&S Acts. Data on more disaggregate levels in needed for the Department to better monitor and report on anticompetitive and antitrust behavior.

(b) The intent is to allow the Secretary to recognize and request additional funding because this bill requires new efforts data be undertaken to ensure the competitiveness of the livestock industry and may have to review its resources on hand.

In addition to the resource report, the Secretary will report on progress made after the GAO report recommending that the Secretary of Agriculture determine a feasible and practical approach for monitoring the activity in regional livestock markets. In defining the relevant markets, P&SA must determine the types of data and analysis it needs and the cost-effectiveness of obtaining and analyzing the data. The GAO study reports that P&SA officials agree that effective monitoring for anticompetitive behavior depends upon knowing the relative boundaries for geographical livestock procurement markets. By focusing on calculating national statistics on concentration in the meat packing industry and not defining regional livestock procurement markets, P&SA may in its data be understanding the potential risks associated with concentration in some areas.

SECTION 4. COLLECTION AND DISSEMINATION OF MARKETING INFORMATION

The intention is to direct the Secretary to collect and disseminate more timely and relevant information to the industry and to utilize existing technologies which enhance the timeliness of delivery. The red meat sector pricing system is largely based on visual quality characteristics and not measurable value. It is intended that the Secretary work with the industry to develop a value based pricing methodology that is equitable to all cattle dealers and packers. Producers also need to have timely information on imports and exports of cattle and meat in order to better schedule their sales.

SECTION 5. COOPERATIVE BARGAINING

The intent is to strengthen the ability of cooperatives ability to bargain with the large packers on the terms of sale. It is important to ensure that packers utilize the supplies from cooperatives in the same fashion as other feedlots.

SECTION 6. LABELING OF MEAT AND MEAT FOOD PRODUCTS

The intent here is to provide the consumer with information about the country of origin of meat and meat food products so as to eliminate any confusion about the USDA grade label implying the beef was produced in the United States. It also requires that cattle entering the United States to be slaughter be label as having resided in other countries unless it has resided here for 120 days.

SECTION 7. LIVESTOCK INDUSTRY COMMISSION

It is the intent to set up an industry lead Commission to research and report on the more contentious issues swirling around in the industry. The red meat industry lags behind poultry and pork in investments and product development. Many reasons exists, but it is time to identify the most important ones and design a strategy to improve the demand for red meat.

By Mr. FRIST (for himself, Mr. THOMPSON, and Ms. MOSELEY-BRAUN):

S. 1940. A bill to authorize appropriations for the preservation and restoration of historic buildings at historically black colleges and universities; to the Committee on Energy and Natural Resources.

APPROPRIATIONS AUTHORIZATION LEGISLATION

Mr. FRIST. Mr. President, I rise today in conjunction with Senators THOMPSON and MOSELEY-BRAUN, to reintroduce a bill to authorize appropriations for the preservation and restoration of historic buildings at historically black colleges and universities.

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. 1940

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DEFINITIONS.

In this Act:

(1) HISTORICALLY BLACK COLLEGE OR UNIVERSITY.—The term ''historically black college or university'' means a part B institution (as defined in section 322 of the Higher Education Act of 1965 (20 U.S.C. 1061)).

(2) HISTORIC BUILDING OR STRUCTURE.—The term ''historic building or structure'' means a building or structure listed on the National Register of Historic Places or designated as a national historic landmark.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

TITLE I—HISTORICALLY BLACK COLLEGES AND UNIVERSITIES HISTORIC BUILDING RESTORATION AND PRESERVATION

SEC. 101. SHORT TITLE.

This title may be cited as the ''Historically Black Colleges and Universities Historic Building Restoration and Preservation Act''.

SEC. 102. FINDINGS.

Congress finds that—

(1) the Nation's historically black colleges and universities have contributed significantly to the effort to attain equal opportunity through postsecondary education for African-American, low-income, and educationally disadvantaged Americans;

(2) over our Nation's history, States and the Federal Government have discriminated in the allocation of land and financial resources to support historically black colleges and universities, forcing historically black colleges and universities to rely on the generous support of private individuals and charitable organizations;

(3) the development of sources of private and charitable financial support for historically black colleges and universities has resulted in buildings and structures of historic importance and architecturally unique design on the campuses of those historically black colleges and universities; and

(4) many of the buildings and structures are national treasures worthy of preservation and restoration for future generations of Americans and for the students and faculty of historically black colleges and universities.

SEC. 103. PRESERVATION AND RESTORATION GRANTS FOR HISTORIC BUILDINGS AND STRUCTURES AT HISTORICALLY BLACK COLLEGES AND UNIVERSITIES.

(a) AUTHORITY TO MAKE GRANTS.—

(1) IN GENERAL.—The Secretary shall make grants in accordance with this section to historically black colleges and universities for the preservation and restoration of historic buildings and structures on the campuses of the historically black colleges and universities.

(2) SOURCE OF FUNDING.—Subject to the availability of appropriations, grants under paragraph (1) shall be made out of amounts authorized to be appropriated to carry out the National Historic Preservation Act (16 U.S.C. 470 et seq.) for fiscal years 1996 through 1999.

(b) GRANT CONDITIONS.—Grants made under subsection (a) shall be subject to the condition that the grantee covenant, for the period of time specified by the Secretary, that—

(1) no alteration will be made in the property with respect to which the grant is made without the concurrence of the Secretary; and

(2) reasonable public access to the property with respect to which the grant is made will be permitted by the grantee for interpretive and educational purposes.

(c) MATCHING REQUIREMENT FOR BUILDINGS AND STRUCTURES LISTED ON THE NATIONAL REGISTER OF HISTORIC PLACES.—

(1) IN GENERAL.—Except as provided by paragraph (2), the Secretary may obligate funds made available under this section for a grant with respect to a building or structure listed on the National Register of Historic Places only if the grantee agrees to match, from funds derived from non-Federal sources, the amount of the grant with an amount that is equal or greater than the grant.

(2) WAIVER.—The Secretary may waive paragraph (1) with respect to a grant if the Secretary determines from circumstances that an extreme emergency exists or that a waiver is in the public interest to ensure the preservation of historically significant resources.

(d) FUNDING PROVISIONS.—

(1) AMOUNTS TO BE MADE AVAILABLE.—Not more than $20,000,000 for fiscal year 1995 and not more than $15,000,000 for each of the fiscal years 1996, 1997, and 1998 may be made available under this section.

(2) ALLOCATIONS FOR FISCAL YEAR 1995.—

(A) IN GENERAL.—Of the amounts made available under this section for fiscal year 1995—

(i) $5,000,000 shall be available only for grants under subsection (a) to Fisk University; and

(ii) $10,000,000 shall be available only for grants under subsection (a) to the historically black colleges and universities identified for inclusion in the Department of the Interior Historically Black College and University Historic Preservation Initiative.

(B) LESS THAN $20,000,000 AVAILABLE.—If less than $20,000,000 is made available for fiscal year 1995 for the purpose of subparagraph (A), the amount that is made available shall be allocated as follows:

(i) 25 percent shall be made available as provided in subparagraph (A)(i).

(ii) 50 percent shall be made available as provided in subparagraph (A)(ii).

(iii) 25 percent shall be made available for grants under subsection (a) to other eligible historically black colleges and universities.

(e) REGULATIONS.—The Secretary shall issue such regulations as are necessary to carry out this title.

TITLE II—COOPER HALL AND SCIENCE HALL PRESERVATION AND RESTORATION

SEC. 201. AUTHORITY TO MAKE GRANTS.

(a) IN GENERAL.—The Secretary shall make grants in accordance with this title to preserve and restore—

(1) Cooper Hall, Sterling College, Sterling, Kansas; and

(2) Science Hall, Simpson College, Indianola, Iowa.

(b) SOURCE OF FUNDING.—Subject to the availability of appropriations, grants under subsection (a) shall be made out of amounts authorized to be appropriated to carry out the National Historic Preservation Act (16 U.S.C. 470 et seq.).

SEC. 202. MATCHING REQUIREMENT.

The Secretary may obligate funds made available under this title only if the grantee agrees to match, from funds derived from non-Federal sources, the amount of the grant with an amount that is equal or greater than the grant.

SEC. 203. FUNDING PROVISIONS.

Not more than $3,600,000 may be made available for grants for Cooper Hall and not more than $1,500,000 may be made available for grants for Science Hall under this title.

By Mr. MOYNIHAN (for himself and Mr. D'AMATO):

S. 1941. A bill to designate the Federal building located at 290 Broadway in New York, NY, as the ''Ronald H. Brown Federal Building''; to the Committee on Environment and Public Works.

THE RONALD H. BROWN FEDERAL BUILDING DESIGNATION ACT OF 1996

● Mr. MOYNIHAN. Mr. President, I introduce a bill to honor and remember a truly exceptional American, Ronald H. Brown. The bill would designate the Federal building located at 290 Broadway in New York, NY, as the ''Ronald H. Brown Federal Building''.

It is a grand gesture to recognize the passing of this remarkable American and special friend, and I would ask for the support of all Senators of this legislation to place one more marker in history on Ron Brown's behalf.

Ron Brown had a great love for enterprise and industry as reflected in his achievements as the first African-American to hold the office of U.S. Secretary of Commerce.

His was a life of outstanding achievement and service to his country: Army captain; general counsel, deputy executive officer, and vice president of the National Urban League; partner in a prestigious law firm; chief counsel, and chairman of the National Democratic Committee; husband and father. And these are but a few of the achievements that demonstrated Ron's spirited pursuit of life.

To have held any one of these posts in the Government, and in the private sector, is extraordinary. To have held all of the positions he did and prevail as he did, is unique. Indeed, Ron Brown was unfairly taken from us; however, while with us, he lived a sweeping and comprehensive life. And we are all diminished by his loss.

Therefore, I cannot think of a more fitting tribute to this uncommon man.●

By Mr. BAUCUS (for himself, Mr. GORTON and Mrs. MURRAY):

S. 1942. A bill to amend the Internal Revenue Code of 1986 to provide tax treatment for foreign investment through a U.S. regulated investment company comparable to the tax treatment for direct foreign investment and investment through a foreign mutual fund; to the Committee on Finance.

THE INVESTMENT COMPETITIVENESS ACT OF 1996

● Mr. BAUCUS. Mr. President, the U.S. mutual fund industry has become a dominant force in developing, marketing, and managing assets for American investors. Since 1990, assets under management by U.S. mutual funds have grown from $1 trillion to more than $3 trillion in 1995. Yet, while direct foreign investment in U.S. securities is strong, foreign investment in U.S. mutual funds has remained relatively flat.

Mr. President, today I am introducing, along with Senators GORTON and MURRAY, the Investment Competitiveness Act of 1996. This legislation, which I have had the honor of cosponsoring in each of the last two Congresses, would eliminate a major barrier to attracting foreign capital into the United States while improving the competitiveness of the U.S. mutual fund industry.

This legislation would remove a barrier to the sale and distribution of U.S. mutual funds outside the United States. The bill would change the Internal Revenue Code to provide that foreign investors in U.S. mutual funds be accorded the same tax treatment as if they had made their investments directly in U.S. stocks or shares of a foreign mutual fund.

Under current law, most kinds of interest and short-term capital gains received directly by an investor outside the United States or received through a foreign mutual fund are not subject to the 30-percent withholding tax on investment income. However, interest and short-term capital gain income received by a foreign investor through a U.S. mutual fund are subject to the withholding tax. This result occurs because current law characterizes interest income and short-term capital gain distributed by a U.S. mutual fund to a foreign investor as a dividend subject to withholding.

The Investment Competitiveness Act would correct this inequity and put U.S. mutual funds on a competitive footing with foreign funds. The bill would correctly permit interest income and short-term capital gain to retain their character upon distribution.

Current law acts as a prohibitive export tax on foreign investors who choose to invest in U.S. funds. That is why the amount of foreign investment in U.S. mutual funds is small.

Mr. President, it is time to dismantle the unfair and unwanted tax barrier to foreign investment in U.S. mutual funds. The American economy will benefit from exporting U.S. mutual funds, creating an additional inflow of investment into U.S. securities markets without a dilution of U.S. control of American business that occurs through direct foreign investment in U.S. companies. Moreover, the legislation will support job creation among ancillary fund service providers located in the United States, rather than in offshore service facilities.

Mr. President, I very much appreciate the efforts of Senators GORTON and MURRAY in cosponsoring this legislation and I urge my colleagues to support this bill and help to move it forward.●

● Mr. GORTON. Mr. President, I am pleased to join my distinguished colleagues, Senators BAUCUS and MURRAY, in introducing the Investment Competitiveness Act of 1996, a bill that will make the tax treatment for foreign investment through a U.S. regulated investment company comparable to the tax treatment for direct foreign investment and investment through a foreign mutual fund.

The service industry continues to grow rapidly as a vital form of trade for the United States. While the United States continues to suffer a trade deficit in merchandise, exports of services ran at a surplus of $63 billion in 1995. In my home State of Washington, services such as financial investments and telecommunications are integral to job creation and economic growth.

Improving the international competitiveness of the United States is of the utmost importance, and encouraging capital investment in U.S. companies is a critical component of improving our international competitiveness. Increasingly, foreign capital has been drawn into U.S. securities markets. We need to permit that capital to be invested in U.S. companies through U.S. mutual funds. This legislation will help ensure that U.S. mutual funds become a leading export for the United States and the leader in providing worldwide mutual fund services that attract more capital to the United States. Putting U.S. funds on a level playing field with foreign-based funds or foreign investments made directly in U.S. securities, produces a worldwide market for U.S. mutual funds and releases a flow of international capital into U.S. investments.

The U.S. mutual fund industry is clearly the most technologically advanced in the world, and thus is the most cost efficient in delivering services to its client. Current law, however, imposes a 30-percent withholding tax on mutual fund distributions, a tax that does not apply in the case of comparable foreign-based funds or to direct investments in the United States. The withholding tax, which effectively imposes an export tax on the U.S. mutual fund industry, makes U.S. funds less attractive from a pricing standpoint and creates an administrative burden for foreign institutional investors. This tax discourages global institutional investors and the managers who invest their funds from using U.S.-based mutual funds, thus providing a competitive disadvantage to foreign-based funds.

The Investment Competitiveness Act of 1996 addresses this disparate treatment by making the tax treatment of foreign investment in U.S. mutual funds comparable to that afforded to foreign investments made directly in U.S. securities or indirectly through foreign based funds.

Without this change, U.S. mutual funds would have a strong incentive to establish offshore funds in order to compete with foreign-based funds and satisfy the demand for U.S. securities in world markets. This has the unsatisfactory effect of moving U.S. mutual fund jobs and expertise to offshore facilities. Instead, we should be working to increase the demand for the fund services provided by U.S. fund managers, custodians, accountants, transfer agents, and others based in the United States, rather than locate those jobs offshore. This legislation will benefit our capital markets by exporting U.S. mutual funds, while creating and maintaining mutual fund jobs in the United States.

I encourage my colleagues to support this important piece of legislation.●

● Mrs. MURRAY. Mr. President, I am pleased to join Senator BAUCUS in cosponsoring the Investment Competitiveness Act of 1996, legislation that will correct a provision in the Internal Revenue Code that currently makes it difficult to sell mutual funds outside the United States.

I believe Congress has an obligation to implement public policies that encourage investments in U.S. companies. These investments are essential to raising capital, initiating research and development, expanding our Nation's economy and ultimately improving our international competitiveness.

Our current Tax Code deters foreign investors from investing in U.S. mutual funds by treating interest income and short-term capital gain as a dividend that is subject to a 30-percent withholding tax. On the other hand, a foreign investor can invest in other foreign funds or directly in U.S. securities without paying this tax.

Mr. President, the U.S. mutual fund industry has grown significantly over the past 6-years. Since 1990, U.S. mutual fund assets have grown from $1 trillion to more than $3 trillion. This rapid growth has occurred despite the fact that foreign investment in U.S. funds has stayed roughly the same.

Rather than dissuading foreign investment, we should be encouraging foreign investment in U.S. funds and companies. Quite simply, American companies are put at a disadvantage by a Tax Code that encourages foreign investors to invest in other countries and other companies.

More importantly, our Tax Code forces U.S. mutual fund companies to set up subsidiary funds overseas in order to reach the world marketplace. For instance, the Frank Russell Co. in Tacoma, WA, is a highly successful and innovative mutual fund company that employs more than 1,000 people. Unfortunately, in order to serve the world market, the company has been forced to move its expertise and some jobs overseas. In doing so, foreign investors can avoid the U.S. withholding tax.

Mr. President, it makes no sense to continue a tax policy that both encourages our companies to move jobs overseas and hampers our ability to attract foreign investment and raise capital in the United States.

I am pleased to be working with Senators BAUCUS and GORTON on this important legislation, and I am hopeful Congress can act quickly on this legislation.●

ADDITIONAL COSPONSORS

S. 55

At the request of Mrs. BOXER, her name was added as a cosponsor of S. 55, a bill to amend title 38, United States Code, to deem certain service in the organized military forces of the Government of the Commonwealth of the Philippines and the Philippine Scouts to have been active service for purposes of benefits under programs administered by the Secretary of Veterans Affairs.

S. 1616

At the request of Mr. INOUYE, the names of the Senator from Wyoming [Mr. THOMAS] and the Senator from New York [Mr. D'AMATO] were added as cosponsors of S. 1616, a bill to establish a visa waiver pilot program for nationals of Korea who are traveling in tour groups to the United States.

S. 1702

At the request of Mr. BINGAMAN, the name of the Senator from Michigan [Mr. LEVIN] was added as a cosponsor of S. 1702, a bill to require institutions of higher education to provide voter registration information and opportunities to students registering for class, and for other purposes.

S. 1735

At the request of Mr. PRESSLER the names of the Senator from Colorado [Mr. CAMPBELL] and the Senator from Iowa [Mr. HARKIN] were added as cosponsors of S. 1735, a bill to establish the United States Tourism Organization as a nongovernmental entity for the purpose of promoting tourism in the United States.

S. 1838

At the request of Mr. FAIRCLOTH, the name of the Senator from Alabama [Mr. HEFLIN] was added as a cosponsor of S. 1838, a bill to require the Secretary of the Treasury to mint and issue coins in commemoration of the centennial anniversary of the first manned flight of Orville and Wilbur Wright in Kitty Hawk, North Carolina, on December 17, 1903.

S. 1886

At the request of Mr. FRIST, the name of the Senator from Tennessee [Mr. THOMPSON] was added as a cosponsor of S. 1886, a bill to amend the Internal Revenue Code of 1986 to clarify the treatment of educational grants by private foundations, and for other purposes.

SENATE CONCURRENT RESOLUTION 26

At the request of Mr. LOTT, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of Senate Concurrent Resolution 26, a concurrent resolution to authorize the Newington-Cropsey Foundation to erect on the Capitol Grounds and present to Congress and the people of the United States a monument dedicated to the Bill of Rights.

SENATE CONCURRENT RESOLUTION 64

At the request of Mr. INOUYE, the names of the Senator from Virginia [Mr. WARNER] and the Senator from California [Mrs. BOXER] were added as cosponsors of Senate Concurrent Resolution 64, a concurrent resolution to recognize and honor the Filipino World War II veterans for their defense of democratic ideals and their important contribution to the outcome of World War II.

SENATE RESOLUTION 276

At the request of Mr. ROBB, the names of the Senator from Wyoming [Mr. THOMAS], the Senator from Rhode Island [Mr. PELL], the Senator from Oregon [Mr. HATFIELD], and the Senator from Arkansas [Mr. BUMPERS] were added as cosponsors of Senate Resolution 276, a resolution congratulating the people of Mongolia on embracing democracy in Mongolia through their participation in the parliamentary elections held on June 30, 1996.

NOTICE OF HEARINGS

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT AND THE DISTRICT OF COLUMBIA

Mr. COHEN. Mr. President, I wish to announce that the Subcommittee on Oversight of Government Management and the District of Columbia, Committee on Governmental Affairs, will hold a hearing on Wednesday, July 17, 1996, at 9:30 a.m., in room 342 of the Dirksen Senate Office Building, on oversight of the implementation of the Information Technology Management Reform Act of 1996.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. NICKLES. 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 Wednesday, July 10, 1996, 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. 1877, the Environmental Improvement Timber Contract Extension Act, a bill to ensure the proper stewardship of publicly owned assets in the Tongass National Forest in the State of Alaska, a fair return to the United States for public timber in the Tongass, and a proper balance among multiple use interests in the Tongass to enhance forest health, sustainable harvest, and the general economic health and growth in southeast Alaska and the United States.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. NICKLES. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, July 10, 1996, at 11 a.m. to hold a hearing.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. NICKLES. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, July 10, 1996, at 11 a.m. to hold an open hearing on intelligence matters.

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

ADDITIONAL STATEMENTS

VIETNAM VETERANS OF AMERICA 1996 CONGRESSIONAL STAFFER OF THE YEAR AWARD

• Mr. ROCKEFELLER. Mr. President, I note with great pride that one of my staff members has been honored with a very special award: Charlotte Moreland, who serves me on the minority staff of the Senate Committee on Veterans' Affairs, has been named 1996 Congressional Staffer of the Year by the Vietnam Veterans of America.

I can think of no one who has earned this award more than Charlotte. She has been a loyal member of my personal staff ever since I joined the Senate in 1984, and I have been most grateful for the many strengths she brought to that job. But Charlotte really found her forté when I became chairman of the Senate Committee on Veterans' Affairs in 1993, and she became my Special Projects Director on the committee. She has continued to work for me in my capacity now as the committee's ranking Democratic member.

Charlotte has helped countless veterans from West Virginia and all around the country obtain the services and benefits they are due from the Department of Veterans Affairs. Some of the work she has done is truly amazing; she has been able to get results where many others have failed, or failed to even try, lacking the drive and compassion that are Charlotte's trademark.

Charlotte was born and raised in West Virginia, and she has never lost the stubborn persistence, tenacity, and deep caring that are so characteristic of my home State. Charlotte is a vigorous—I might say, ferocious—advocate for the underdog, the vulnerable, those who would otherwise get lost in the system. She is not afraid to fight Government bureaucracy, redtape, and complacency, and she will follow through on a case until all avenues of help are exhausted.

Whether it involves quality or availability of medical care in a VA hospital, or timely and appropriate decisions on disability claims, veterans need a place to turn when they believe the system has failed them. Charlotte acts as my eyes and ears out in the community, listening to the concerns of individual veterans and reporting them back to me, so that I can address systemic problems through legislation and oversight. I count on her tremendously, and I truly would not be able to perform my job well on the committee if she were not performing hers.

Charlotte is a prime example of a very special class of employees—dedicated congressional staffers who labor, often anonymously, behind the scenes, making our Government work and providing services to our citizens. Too often they do not receive the recognition they so richly deserve. In saluting Charlotte, I salute also these other unsung heroes. As Members of Congress, we are often in the limelight. But our accomplishments would be far less without the dedicated staff that serve us, and we should never forget that.

Veterans—in West Virginia and throughout our country—are incredibly lucky to have Charlotte as their

advocate. I am grateful to have her on my staff, and enormously proud of all she has accomplished.●

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider, en bloc, the following nominations on the Executive Calendar:

No. 514, Gary A. Fenner of Missouri to be U.S. district judge for the western district of Missouri, and No. 587, the nomination of Mary Ann Vial Lemmon of Louisiana to be U.S. district judge for the eastern district of Louisiana.

I further ask unanimous consent that the nominations be confirmed, en bloc, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and that the Senate return then to the legislative session.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. Reserving the right to object, Mr. President. Let me begin by thanking the two distinguished colleagues from Nevada for their cooperation this afternoon in allowing us to get to this point. As the majority leader indicated, they care deeply about this issue. Nevada is well served by their representation and their determination on this issue.

I also want to thank the majority leader for his effort to work with us. He has said again today what he said yesterday. He is prepared to try to work through these things in a way that would allow us to resolve all of the outstanding questions.

He has given me his assurance again today that we will attempt—all we can do is attempt—to work through the list of the 23 judges that are currently on the calendar. This is the first downpayment.

I appreciate his willingness to work with us on all of them. I believe that this is a good process. I think it is the way we should proceed.

So I am very pleased that we have been able to reach this point.

So I have no objection.

Mr. BREAUX. Mr. President, reserving the right to object—and I assure the two distinguished leaders that I have no intention of objecting—I will just say that I congratulate both leaders for being able to reach this point where I think there is, indeed, light at the end of the tunnel.

I think that the courtesies that they have shown to me and to other Members of this body on both sides of the aisle really is a very positive indication of the cooperation that will allow us to get through the list of judges that have been approved by the Judiciary Committee.

I also would echo the comments by the two distinguished Senators from Nevada about how far they have been able to go, and I thank them for being willing to cooperate on the Defense authorization bill which I know is very, very important.

I congratulate both leaders for the work that they have done. I think this is a spirit of cooperation that we need more of. I congratulate both of them for their work.

The PRESIDING OFFICER. Is there objection to the request of the majority leader?

Without objection, it is so ordered.

The nominations were considered and confirmed, en bloc, as follows:

THE JUDICIARY

Gary A. Fenner, of Missouri, to be United States District Judge for the Western District of Missouri.

Mary Ann Vial Lemmon, of Louisiana, to be United States District Judge for the Eastern District of Louisiana.

Mr. LOTT. Mr. President, I would like to just note with regard to the nomination of Mary Lemmon from Louisiana there are other judges that had been on the list longer. But there was a particular problem with this judge due to the fact that she does hold office. I believe she is a judge. And she has to qualify in the next day or two or she would not be able to run for reelection. And then, if she did not get this position, she would be really caught in the middle. That is why we moved this one up to sort of the head of the list. I am glad it worked out.

I thank the Democratic leader for his comments.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

ORDERS FOR THURSDAY, JULY 11, 1996

Mr. LOTT. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 9 a.m. on Thursday, July 11; further, that immediately 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, and the time for the two leaders be reserved, as usual, for their use later in the day, and that there then be a period for morning business until the hour of 10 a.m. as under the previous order, with Senator DASCHLE, or his designee, controlling the first 40 minutes, and Senator COVERDELL in control of the last 20 minutes.

I further ask that at 10 a.m. the Senate turn to the consideration of S. 1894, the Department of Defense appropriations bill.

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

PROGRAM

Mr. LOTT. Mr. President, for the information of all Senators, the Senate will begin the DOD appropriations bill tomorrow morning at 10 a.m. Several amendments are expected to be offered. Therefore, votes can be expected during Thursday's session of the Senate, and the Senate may be asked to be in session into the evening in order to make progress on the appropriations bill.

MEASURE PLACED ON THE CALENDAR—S. 295

Mr. LOTT. Mr. President, I ask unanimous consent that S. 295 be placed back on the calendar.

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

ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. LOTT. Mr. President, if there is no further business to come before the Senate, I now ask that the Senate stand in adjournment under the previous order.

There being no objection, the Senate at 6:42 p.m., adjourned until tomorrow, Thursday, July 11, 1996, at 9 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate July 10, 1996:

THE JUDICIARY

GARY A. FENNER, OF MISSOURI, TO BE U.S. DISTRICT JUDGE FOR THE WESTERN DISTRICT OF MISSOURI.

MARY ANN VIAL LEMMON, OF LOUISIANA, TO BE U.S. DISTRICT JUDGE FOR THE EASTERN DISTRICT OF LOUISIANA.

EXTENSIONS OF REMARKS

REPUBLICAN FISCAL IRRESPONSIBILITY

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1996

Mr. FRANK of Masachusetts. Mr. Speaker, one central item has been underplayed in the important debate about how to bring the annual budget deficit down to zero—the need to reduce our military spending after the collapse of the Soviet empire. The implications of the military budget are crucial for any effort to deal with deficit reduction in a socially responsible way. The actions taken by the Republican dominated Congress this year and last year demonstrate a determination by them to increase military spending to the point where we will be able to bring the deficit to zero only by devastating reductions in important programs, in education, environment, and medical care.

Even more daunting than the $18 billion the Republican Congress has added to military spending over the Pentagon's objection in the last 2 years is the prospect that we face in the future should Republican efforts succeed. Next November will decide whether or not the military budget will continue to swell, at the expense of virtually every other important national Government function.

Doug Bandow, a fellow at the Cato Institute, discussed the staggering fiscal implications of the Republican military budget proposals in a recent article on the op-ed page of the New York Times. As Mr. Bandow notes, the United States now spends almost 40 percent of all the military spending in the world. The reason for this, as he notes, is not our national security but our inexplicable willingness—even insistence—on heavily subsidizing our wealthiest allies by providing them with a defense courtesy of the American taxpayer. One of Mr. Bandow's most important points is his noting that we now spend on the military ''twice as much as Britain, France, Germany, and Japan combined.''

Mr. Speaker, because drastic reductions in military spending over the next decade are essential if we are to be able to balance our budget without causing severe social harm in the United States, I ask that Doug Bandow's thoughtful discussion of military spending be printed here.

[From the New York Times]

DOLE'S MILITARY CARD

(By Doug Bandow)

So far, the Presidential campaign is being waged largely over domestic issues. Yet the difference between the parties is much wider when it comes to military matters.

If leading Republican strategists have their way, the United States will commit American lives and wealth to enforcing a new form of imperial order.

As he campaigns, Bob Dole has said little more than that America must spend more on the military. The Clinton Administration has ''eroded American power and purpose,'' he said recently. ''Our defense budget has been cut too far and too fast.''

So military outlays must rise above the current $260 billion per year. How far, he doesn't say. But the conservative Heritage Foundation has started the bidding at $20 billion more annually. Baker Spring, a Heritage defense analyst, wrote in a recent policy paper that ''the time is rapidly approaching when the U.S. will have to decide between remaining a global power capable of preventing wars, or becoming a mere regional military power, condemned to fight and possibly lose them.''

He writes this at a time when America is a military colossus. The United States accounts for almost 40 percent of all military spending on earth. It spends at least three times as much as Russia—and twice as much as Britain, France, Germany and Japan combined.

America's allies can stand up to every conceivable security threat on their own. Western Europe's gross domestic product and population are greater than our own. South Korea has about 18 times the gross domestic product and twice the population of North Korea. In such a world we risk losing a war? To whom?

Some Republican analysts want to increase military outlays by far more than $20 billion. In the latest issue of Foreign Affairs, William Kristol, editor of the Weekly Standard, and Robert Kagan, a former policy analyst for the Bush Administration, called for an extra $60 billion to $80 billion. This would come on top of defense spending that is already, in real terms, higher than in 1980, when America still faced the Soviet Union, the Warsaw Pact nations and the threat of global Communism.

Mr. Kristol and Mr. Kagan, however, may be pikers compared to Haley Barbour, the Republican National Party chairman. In this new book. ''Agenda for America,'' Mr. Barbour argues that we must ''rejuvenate our military capability.'' He advocates improving military readiness, expanding procurement and strengthening the private military supply sector. Like Mr. Dole, he supplies no price tag, but Jonathan Clarke, a Cato Institute associate, figures the Barbour program could add up to an astounding annual increase of $140 billion.

What is the United States to do with all this additional military might? It faces no serious security threat far greater than necessary to defend the country or backstop our prosperous allies in an emergency.

Such an enormous military buildup to meddle in civil wars in distant continents, to restore order in chaotic societies and to extend American security guarantees through NATO, right up to Russia's borders. The idea, in the words of Mr. Kristol and Mr. Kagan, is to establish a ''benevolent hegemony'' and to ''preserve that hegemony as far into the future as possible.''

They argue that this ''is not a radical proposal,'' but it is. In effect it would mean, as the historian Francis Fukuyama wrote approving in a letter to Commentary, that ''Americans should be prepared, when the time comes, to have their people die for Poland.''

Similarly, Edward Luttwak, a former Reagan policy adviser, waxed nostalgic in Foreign Affairs about large families. When they predominated, he wrote; ''a death in combat was not the extraordinary and fundamentally unacceptable event that it is now.''

So what is Bob Dole's proposed military policy? The American people should not accept vague proposals about spending more on defense. And if he becomes President, Mr. Dole should create a foreign policy and military fit for the Republic America purports to be, not the empire some wish it to become.

TRIBUTE TO VALENCIA BOROUGH

HON. RON KLINK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1996

Mr. KLINK. Mr. Speaker, I rise today to congratulate Valencia Borough on its 100th anniversary.

Valencia Borough plays a critical role in the care of my district's senior citizens. St. Barnabas Health System recently bought an existing nursing home and is in the process of a $7.2 million expansion. This expansion will not only double the nursing center's bed capacity, but will also create 90 new jobs for Valencia Borough.

As I travel through the 4th district, I am always amazed by the friendliness and the good feelings shown to me by the residents of Valencia. These attributes should be lauded by this House and followed by all of America's communities.

The area which is now Valencia was originally settled as Brookside. It was renamed Valencia in 1884, in hopes of coaxing a post office to the area. To do this the community had to select a name unique to the area. Why the specific name of Valencia was chosen is unknown. My theory is that it has to do with the sunny disposition of its residents.

The residents of Valencia plan to celebrate the borough's 100th anniversary on August 18, 1996 with a community festival. I am positive that the festival will be a success due to the diligence of its residents.

So today, Mr. Speaker, I join with all my colleagues in the House in congratulating Valencia Borough on the momentous occasion of its 100th anniversary.

TRIBUTE TO COLONEL GENETTE HILL

HON. DOUGLAS ''PETE'' PETERSON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1996

Mr. PETERSON of Florida. Mr. Speaker, I rise today to recognize Lt. Col. Genette Hill for her exceptionally distinguished and patriotic service to the U.S. Air Force, this House and this great Nation.

As Deputy Branch Chief in the Congressional Inquiries Division, she quickly established a reputation for credibility, professionalism, and excellence by working and closing over 1,100 written and telephonic inquiries across the spectrum of Air Force activities in

her first few months. Her outstanding leadership did not go unnoticed as she was selected to be the executive officer for the Director, Legislative Liaison. In this position, she received numerous laudatory comments for her travel planning, organizing and execution of travel with the chairman of the House Ways and Means Committee and the House Republican minority whip.

Genette's most recent position as Chief, Manpower and Personnel Branch, Programs and Legislation Division, is the true testimony of her ability to understand intricacies involved in the legislative processes. She has worked with the House National Security Committee and Senate Armed Services Committee members and staff on some of the most sensitive personnel issues of sexual harassment, promotion policy and quality of life with outstanding results.

It has been my extreme pleasure to have worked with and traveled with Genette Hill in my position as a member of the U.S. Air Force Academy Board of Visitors. Genette has served with great distinction and has earned our respect and gratitude for her many contributions to our Nation's defense.

My colleagues and I bid Lt. Col. Genette Hill a fond farewell and wish her and her husband, Lt. Col. Scott Hill, the very best as they begin their assignment to Air War College, Maxwell Air Force Base, Montgomery, AL—Godspeed.

TAX CUTS FOR EDUCATION

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1996

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, July 10, 1996, into the CONGRESSIONAL RECORD.

TAX CUTS FOR EDUCATION

There has been a lot of talk about tax cuts in recent weeks, some of it responsible and some not. But one idea that appears to me to have considerable merit is tax cuts for education and skills training expenses—tax cuts that are targeted toward middle-class families and are fully paid for so they don't worsen the budget deficit.

IMPROVING EDUCATION AND SKILLS

One of the greatest concerns of Hoosiers is their long-term job prospects and the prospects for their children. They work hard—often with both husband and wife employed—but they haven't seen many raises in recent years. So they struggle every month to pay their bills, keep their family healthy, and save a little for education or retirement. They are particularly concerned about the impact of technology in the workplace and foreign competition. They rightly recognize that with many jobs being made obsolete or moving across borders to lower-wage countries, they will need to improve their job skills just to keep up. And they recognize that a good education and solid work skills will be even more crucial for their children's prospects in the workforce of the future.

Local business leaders express similar concerns about the need to improve education and skills training. In meeting after meeting they tell me that the single most important way to expand businesses and create new jobs in southern Indiana is to upgrade the skills of the workforce.

Education is certainly the key to opportunity, especially in today's tough new global economy. Good jobs, including many factory jobs, demand much more sophisticated skills. And fully half of the new jobs created in the U.S. in the last three years were managerial and professional jobs. People entering the workforce today need better and better computation, communication, problemsolving, and decisionmaking skills, and they should be comfortable with a lifetime of learning so they can master new skills and adjust to new technologies in our constantly changing economy. Workers who develop these better skills will be in high demand by employers as we move into the 21st century; those who do not will not. We are already seeing this premium on education and skills. People with college degrees today earn almost twice as much as their counterparts with only a high school diploma.

COSTS

Yet while many Hoosiers recognize the need for them and their children to upgrade their education and training to get ahead, they find that increasingly expensive to do. The cost of college has risen sharply in recent years, with tuition increasing 270% since 1980. Good programs are available not just at four-year colleges but at community colleges, postsecondary technical schools, and regional campuses, yet the costs can add up. With tuition increases expected to continue to outpace inflation in the years ahead, many families are worried.

TARGETED TAX CUTS

So an idea getting attention in Washington is targeted tax relief to help moderate income families improve their education and skills levels. Congress is currently working on restoring the tax exemption for tuition assistance provided to workers by their employer, but several broader measures have been proposed. One idea is to offer students or their parents a tax deduction of up to $10,000 for college or vocational training. Another proposal is to expand Individual Retirement Accounts (IRAs) and allow them to be used for post-secondary education expenses. A third proposal is to set up Individual Training Accounts to allow workers to continually upgrade their skills. Finally, a $1,500 per year tax credit has been proposed to help pay for the first two years of college tuition. This would basically cover tuition at most two-year community colleges.

I believe targeted tax relief for education expenses makes sense. It addresses a real national concern—improving the education and skills training of our workforce—and it expands opportunity by giving a leg up to people who genuinely want to get ahead and are willing to make the effort. In addition it provides some needed tax relief to middle-class families—families who have struggled to get by in recent years while those at the top in America have prospered. Those who want to direct new tax cuts largely to people at the top seem to me to have their priorities wrong.

The U.S. tax code currently provides major tax breaks for a variety of purposes, including the purchase of a home, health care, retirement savings, and business investment in new plants and equipment. But it provides very little for the investment families should be making in improving their education and skills. That is a disparity that needs to be addressed.

HOW TO SET UP

But such tax relief must be structured in the right way. First, it must be used for legitimate education and training expenses. To ensure that the money is not wasted, we should require that the study be at schools that are properly accredited and certified. Also, local businesses could provide helpful guidance on what skills and types of study they see as most useful and relevant.

Second, the tax breaks must be targeted to those who need the most help. We need to place an income ceiling on eligibility, with the benefits phased out at higher income levels. We simply can't afford to give the tax break to well-to-do families who already are able to pay for post-secondary education. We also need to structure the tax breaks so they include tax credits and not just tax deductions, since most moderate income people don't itemize their taxes and thus wouldn't benefit from tax deductions.

Third, it is essential that any such tax relief be paid for. The costs to the Treasury should be fully offset by savings elsewhere, by cutting less important spending or tax breaks. And these offsetting savings should be made today, rather than promised several years down the road. We have made major progress in recent years in cutting the budget deficit—reducing it from $290 billion four years ago to around $130 billion this year. We simply shouldn't give up on deficit reduction by giving out tax cuts that are not paid for. We need to press on to a balanced budget.

CONCLUSION

Congress should begin work soon on such a targeted tax cut, but completing action will be difficult this year, especially as we enter the increasingly partisan election season. But such tax relief should be at the top of next year's agenda. We need to review the tax code—to make it simpler, fairer, and more rational—and one important component of that effort should be expanding targeted tax cuts for education and training.

INFAMOUS ARTISTS

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1996

Mr. DUNCAN. Mr. Speaker, we can learn a great deal from small children. I would like to call to the attention of my colleagues and other readers of the RECORD the following article from the ''American Legion Magazine''. These small children described in this article certainly know the difference between ''art'' and desecration of the American flag.

INFAMOUS ARTISTS

(By Joe Stuteville)

Holland Cortright, a second-grader at Paradise Mountain Christian Academy near Phoenix, Ariz., may be too young to understand the artistic differences between a Van Gogh painting and a ''Where's Waldo?'' illustration—but she does know what she likes. When the Phoenix Art Museum this spring unveiled a special exhibit in which American flags were physically desecrated, Holland knew immediately what she didn't like. And she decided to do something about it:

''Dear Sirs, Don't treat our American flag like you are. Putting it in a toilet is disrespectful. When you step on the flag it's like stepping on the people who died for our country. . . Our country isn't going to be a country without our flag. We love our flag!!''

Eight-year-old Holland and several of her classmates at Paradise Mountain Christian Academy were upset by local news coverage of the exhibit, Old Glory: The American Flag In Contemporary Art. Teacher Shelley Clinite suggested they write the museum to express their feelings. The display to which Holland's letter refers had a flag stuffed into a toilet and was surrounded by jail bars. Another display invited visitors to walk across a flag spread on the floor and write their thoughts in a book. Yet a third flag had human hair and flesh woven into the fabric.

The youngsters were joined in their outrage by American Legion family members from Phoenix and throughout the state, who urged the museum to raise the white flag on its controversial exhibit. Museum officials declined the request, adding that to do so would infringe upon the First Amendment rights of artists featured in the exhibit.

''We don't question any citizen's right to free speech or freedom of expression,'' says James Phillips, commander of The American Legion Department of Arizona. ''In fact, Legionnaires defend the basic rights and freedoms of all citizens as outlined in our Constitution and Bill of Rights. But this particular exhibit was violent and offensive because it highlights obscenity, oppression and desecration of our flag.''

Arizona Post 1 member Pete Montoya and his son, Fabian, were among the thousands who visited the exhibit during the early days of its run. When they observed the flag on the floor—a veritable doormat for the disillusioned—they were moved to respond. Onlookers cheered when the father and son picked up the flag, carefully folded it and removed it.

''I didn't want anyone stepping on it,'' 11-year-old Fabian told reporters at the scene, Museum curators replaced the flag later that day.

It was clear the museum had no intention of either closing or toning down the exhibit. So Legionnaires and other flag-loving citizens decided to exercise their own First Amendment rights. At high noon on April 28, an estimated 2,500 people gathered outside the museum to express their love and respect for the U.S. Flag and the ideals it represents. The occasion was an excellent forum to explain publicly why a constitutional amendment is the only legal means by which the flag can be protected from physical abuse.

''We stand firmly with the people of Arizona and across this great land who find this display of hateful disrespect for the flag truly objectionable,'' said retired Army Maj. Gen. Patrick Brady, board chairman of the Citizens Flag Alliance, Inc. (CFA). The Medal of Honor recipient of the Vietnam War was invited to make remarks at the gathering, along with Arizona Legion leaders and other CFA activists. ''Most Americans find this exhibit a slam against the basic values and respect for institutions most hold dear,'' he said.

The youngsters from Ms. Clinite's second-grade class were among those in attendance at the Phoenix rally. In an area not known for its rainfall, misty eyes were common as the kids recited the Pledge.

''It is heartwarming to know citizens from every walk of life, every age, creed and color consider the American flag a symbol to be cherished, protected and respected,'' Phillips said after the rally.

Nor was all of the attention confined to Phoenix. Many in Kentucky, Minnesota, Massachusetts and New Jersey opened up their newspapers that Sunday and saw advertisements about the museum exhibit. The ads contained information about how their congressional lawmakers voted on the proposed flag amendment in 1995.

Senators Mitch McConnell, R-Ky., Paul Wellstone, D-Minn., and John Kerry, D-Mass., joined with 33 of their Senate colleagues to defeat the amendment last December. Bob Torricelli, D-N.J., was among the 120 House members who voted against a similar amendment in June 1995, but that chamber still passed the amendment by the required two-thirds vote.

The advertisement included a toll-free telephone number for readers to call and comment about the exhibit or discuss how their lawmakers voted. More than 75 percent of the callers said they support the amendment and requested more information.

The Phoenix exhibit opened in mid-March and was set to close in mid-June, a few days after Flag Day.

VIRGINIA BOONE HONORED

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1996

Mrs. MEEK of Florida. Mr. Speaker, on June 16, 1996, our Dade County community lost one of our most dedicated, respected, and loved educators, Mrs. Virginia Boone.

Mrs. Boone, a native West Virginian, moved to Miami in 1951 to further her career in education. She taught at Mae Walters Elementary, and served as an assistant principal at Opa-Locka Elementary. Because of her outstanding ability, she was promoted to principal of Highland Oaks Elementary, while the school was still under construction.

From the moment Mrs. Boone opened the doors of the school for the first time, her name became synonymous with Highland Oaks. She and her husband, Conway Boone, an attorney, thought of every student at her school as a member of her family. Because of her administrative skill and dedication to her students, she was named School Administrator of the Year in 1985 and 1987. While serving as principal of Highland Oaks, she also attended the University of Miami to earn her master's degree in education.

Mrs. Boone retired after serving as the principal of Highland Oaks for 31 years. She was so loved by the students, parents, and teachers of Highland Oaks that they recently petitioned the Dade County school board to rename the school the Virginia A. Boone Elementary School. It is a fitting honor for this remarkable person.

Mrs. Virginia Boone was truly a perfect educator, dedicated to her students and the Miami-Dade community. I salute the exceptional work of Mrs. Boone, and honor her memory.

TRIBUTE TO THE PARISH AND SCHOOL OF ST. STANISLAUS KOSTKA

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1996

Mrs. MALONEY. Mr. Speaker, today I rise to pay tribute to the parish and school of St. Stanislaus Kostka which is celebrating its centennial year of devoted service to the residents of Brooklyn, NY. As immigrants have continued to flow into the community, St. Stanislaus Kostka has been a vital component in establishing a flourishing neighborhood.

St. Stanislaus Kostka Church and school have been at the cornerstone of community revitalization by providing ongoing refuge and education and by continuing to meet the needs of a diverse populace.

Mr. Speaker, I am proud to rise today to honor the parish and school of St. Stanislaus Kostka for its 100 years of contributing endless resources and demonstrating tireless dedication to a community that is an inspiration for all to follow. I ask my colleagues to join with me in this tribute to St. Stanislaus Kostka as we celebrate an institution that perseveres in maintaining community cohesion and responsiveness to neighborhood needs.

HEALTH INSURANCE REFORM

HON. DOUGLAS ''PETE'' PETERSON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1996

Mr. PETERSON of Florida. Mr. Speaker, I rise today to inform my colleagues of exactly how important it is for us to pass health insurance reform now. Many Members of this body, and policy wonks around this city, are debating the political implications of passing—or not passing—the health insurance reform bill now pending in conference. However, millions of Americans already know the real tragedy of failure to pass this bill. Let me provide just one example.

I recently received a phone call and very touching letter from a Florida resident, Ms. Fran White, who currently has health insurance. Only 5 years ago, she was healthy and maintained an active work schedule of up to 60 hours per week. Unfortunately, she began experiencing health problems in 1991, and last year was diagnosed with multiple sclerosis. She continued her employment, albeit at a less aggressive pace, as long as possible. She now is unable to work. That in itself is a tragedy, but it is equally tragic to learn that she will now lose her health insurance coverage effective July 1.

She has done everything she can to find an alternate insurance carrier to cover her. Not surprisingly, she has yet to find one. The reason for denial is her illness, not her spotless record of insurance payments. Although her total medical expenses have peaked at over $300,000, she has paid all of her out-of-pocket costs; she has even taken on a personal debt of over $50,000 to pay for uncovered treatments and services.

Ms. White does not want anything from the Government. She does not want to turn to Medicaid. She only wants access to health insurance. We have the chance to give her and the millions of Americas with similar experiences this access by eliminating pre-existing condition exclusions and making health insurance portable. We are so close.

Mr. Speaker, please, let's not let this opportunity fall by the wayside under a cloud of partisan rhetoric. Let's pass health insurance reform now.

TRIBUTE TO WAMPUM BOROUGH

HON. RON KLINK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1996

Mr. KLINK. Mr. Speaker, I rise today to congratulate Wampum Borough on its 200th anniversary.

Wampum was the first town to be settled in Lawrence County. It was settled in 1796 by two Irish brothers, Robert and John Davidson.

The famed steel baron and philanthropist, Andrew Carnegie had a financial interest in

the local Wampum Furnace. The Wampum mine has supplied a large amount of limestone for steel and cement production, but is better known for its storage capacity. The mine has 2.5 million square feet of storage space. It currently holds various items from 50 industries, most notably 8,000 films from 20th Century Fox and the world's largest optical mirror.

Athletics has played a large part in Wampum's history. Wampum High School basketball team won three state championships in 1950's and 1960's. In 1955, the team went undefeated, 31–0. The coach, L. Butler Hennon was known for unusual practice techniques, such as players wearing weighted jackets and workmen's gloves. Hennon's theory was that such handicaps in practice made things easier in games. His techniques were featured in a Life magazine article and used by the Russian Olympic basketball team. Hennon's son, Don, was a star at Wampum. Don set a regional scoring record that lasted almost 40 years. Don went on to be an All-American at the University of Pittsburgh.

The Hennons were not the only famous athletic family to call Wampum home. The Allen brothers, Harold, Ron, and Richie, all played major league baseball. Richie was the most proficient of the three. Richie has the distinction of being the first African-American to play in the Philadelphia Phillies organization. In 1972, with the Chicago White Sox, Richie was named the American League Most Valuable Player. Richie led the league with a .308 batting average. Richie also slugged 37 home runs and had 133 runs batted in.

Wampum is certainly a special place with special people. So today, Mr. Speaker, I join with all my colleagues in the House in congratulating Wampum Borough on the momentous occasion of its 200th anniversary.

WELFARE REFORM

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1996

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, July 3, 1996, into the CONGRESSIONAL RECORD.

WELFARE REFORM: NECESSARY AND POSSIBLE

Welfare reform remains a major priority for Hoosiers. I am disappointed that partisan bickering has prevented enactment of meaningful welfare reform that would encourage work and parental responsibility and meet the basic needs of poor children.

The good news is that many states, including Indiana, have been successfully experimenting with ways to reform the welfare system. I believe that states should be given flexibility to adopt innovative reforms. Welfare reform on the national level is still necessary, and state successes can serve as models as Congress prepares once again to consider welfare reform.

STATE EFFORTS

Forty states have been granted waivers of federal regulations in order to proceed with their own reforms. In 1994, Governor Bayh requested several waivers so that Indiana could implement a broad package of reforms. With my strong support, the Clinton Administration granted them.

Hoosiers who receive Aid to Families with Dependent Children (AFDC) must now sign a personal responsibility agreement, which requires them to make sure their children receive immunizations and stay in school. No cash benefits are provided for children born more than 10 months after their parents go on welfare, and cash benefits are stripped from anyone who commits welfare fraud. Teenage mothers who receive welfare must live with their parents or in another adult-supervised setting.

Most importantly, the Indiana plan focuses on moving welfare recipients into work through the IMPACT job placement program. Persons who enroll in IMPACT pledge that they will seek a job and accept any reasonable employment offer and acknowledge that the state will cease cash AFDC benefits after two years. In return, the state aims to remove barriers to employment by helping IMPACT enrollees to locate available jobs and providing training, child care, transportation, and health care.

The Indiana plan provides incentives for employers to hire welfare recipients. For example, once welfare recipients start a job, their AFDC benefit may be diverted to their employer, who can use these funds for business development and employee benefits. The state also provides funds for on-the-job training of former welfare recipients. Indiana provides one year of transitional child care and Medicaid benefits to families who have moved off the welfare rolls and into work.

The results one year after implementation of these changes are encouraging. From January through September of 1995, the number of households receiving AFDC dropped by 20%. Welfare recipients are being placed into jobs at a rate of 1,000 per month. Since 1993, the number of AFDC recipients has fallen 30%—the greatest decrease of any state in the nation. Indiana now has another request pending for further waivers of federal regulations.

PRINCIPLES FOR REFORM

Without doubt, welfare reform is urgently needed. Welfare still too often conflicts with bedrock American values: it discourages work, promotes out-of-wedlock childbearing, breaks up families, and fails to hold parents responsible.

Most Hoosiers want to help people in genuine need. They are willing to aid people who cannot work because of disability, or who face dire economic distress through no fault of their own. What they oppose is assisting people who are capable of working but unwilling to do so.

The key goal in welfare reform must be to promote self-sufficiency and responsibility without punishing innocent children for the mistakes of their parents. That means that from the moment someone applies for welfare, the emphasis must be on moving that person into a job and eliminating any obstacles that stand in the way. Those who need training to move into the workforce should receive it. Sometimes it's a matter of providing basic instruction on how to write a résumé, interview for a job, or locate job prospects. A time limit on welfare benefits for those able to work can be a useful incentive. Work must pay more than welfare.

Far too many non-custodial parents fail to provide financial support to their children. I have cosponsored a bill which would make it easier to track down delinquent parents and withhold child support payments from their paycheck.

The lack of high-quality, affordable child care is a major problem for many parents, especially those seeking to pull themselves out of poverty. It is a difficult problem to address because child care is expensive and the need is so great. But we must make efforts to ensure that no one is on welfare simply because they cannot find child care. Providing basic health and child care to families for a while after they leave the welfare rolls can be a good investment if it helps families successfully make the transition to long-term financial independence.

I oppose efforts to raise taxes on working families on the edge of poverty, as some in Congress have proposed. I also do not think that cuts in welfare should be enacted in order to provide tax breaks to the well-to-do. Welfare reform should stand on its own merits, apart from the budget debate. We must ensure that welfare provides an adequate safety net during an economic downturn, when more people are likely to need it.

I am also concerned that some proposals would dramatically limit poor children's access to health care and nutrition programs. Unhealthy, malnourished children have a lesser chance to grow into healthy, self-supporting adults. As a nation we will pay dearly if we fail to meet the basic health needs of children.

There is really more consensus on welfare reform than the political rhetoric suggests. But because welfare reform is such a potent political issue, with each side looking for the advantage, the agreements have been obscured. It's almost as if politicians from opposite parties are afraid to admit they agree on a lot of these issues.

Saddest of all is that the ultimate victims of a failed welfare system are children. Their needs, which should be the constant focus of the welfare reform debate, have sometimes been lost. I am convinced that if cooler heads prevail we can enact worthwhile reforms. I will work to tone down the rhetoric and turn up the pressure to reform welfare this year.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, July 11, 1996, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JULY 16

9:30 a.m.

Governmental Affairs

Permanent Subcommittee on Investigations

To resume hearings to examine the vulnerabilities of national computer information systems and networks, and Federal efforts to promote security within the information infrastructure.

SD–342

Rules and Administration

To resume hearings to examine the role of the Federal Depository Library Program of the Government Printing Office in ensuring public access to Government information.

SR–301

2:00 p.m.

Appropriations

Labor, Health and Human Services, and Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1997 for the Department of Education.

SD–138

Foreign Relations

Western Hemisphere and Peace Corps Affairs Subcommittee

To hold hearings to examine the new international threat of ''date-rape drug'' trafficking.

SD–419

5:00 p.m.

Conferees on H.R. 1617, to consolidate and reform workforce development and literacy programs.

Room to be announced

JULY 17

9:30 a.m.

Commerce, Science, and Transportation

To hold hearings on issues relating to Federal Aviation Administration safety oversight.

SR–253

Energy and Natural Resources

To hold hearings on S. 1920, to amend the Alaska National Interest Lands Conservation Act to strengthen the provisions of the Act and ensure that agencies are fairly implementing the Act.

SD–366

Labor and Human Resources

Business meeting, to mark up S.Con.Res. 52, to recognize and encourage the convening of a National Silver Haired Congress, S. 1897, to revise and extend certain programs relating to the National Institutes of Health, and S. 1490, to improve enforcement of Title I of the Employee Retirement Income Security Act of 1974 and benefit security for participants by adding certain provisions with respect to the auditing of employee benefit plans.

SD–430

10:30 a.m.

Foreign Relations

To hold hearings on Extradition Treaties with Hungary (Treaty Doc. 104–5), Belgium (Treaty Doc. 104–7), Belgium (104–8), Switzerland (Treaty Doc. 104–9), Philippines (Treaty Doc. 104–16), Bolivia (Treaty Doc. 104–22), and Malaysia (Treaty Doc. 104–26), and Mutual Legal Assistance Treaties with Korea (Treaty Doc. 104–1), Great Britain (Treaty Doc. 104–2), Philippines (Treaty Doc. 104–18), Hungary (Treaty Doc. 104–20), and Austria (Treaty Doc. 104–21).

SD–419

JULY 18

9:30 a.m.

Energy and Natural Resources

Parks, Historic Preservation and Recreation Subcommittee

To hold hearings on S. 988, to direct the Secretary of the Interior to transfer administrative jurisdiction over certain land to the Secretary of the Army to facilitate construction of a jetty and sand transfer system, and S. 1805, to provide for the management of Voyageurs National Park.

SD–366

Indian Affairs

Business meeting, to mark up S. 1264, to provide for certain benefits of the Missouri River Basin Pick-Sloan project to the Crow Creek Sioux Tribe, S. 1834, to authorize funds for the Indian Environmental General Assistance Program Act, S. 1869, to make certain technical corrections in the Indian Health Care Improvement Act, and proposed legislation to amend the Indian Child Welfare Act; to be followed by hearings on H.R. 2464, to provide additional lands within the State of Utah for the Goshute Indian Reservation.

SR–485

10:00 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to review the Federal Reserve's semi-annual monetary policy report (Humphrey-Hawkins).

SH–216

Commission on Security and Cooperation in Europe

To hold hearings to examine property restitution, compensation, and preservation in post-Communist Europe.

2255 Rayburn Building

2:00 p.m.

Foreign Relations

East Asian and Pacific Affairs Subcommittee

To hold hearings on certain issues with regard to Hong Kong.

SD–419

JULY 23

9:30 a.m.

Energy and Natural Resources

To hold hearings on S. 1678, to abolish the Department of Energy.

SD–366

JULY 24

9:30 a.m.

Rules and Administration

To resume hearings to examine the role of the Federal Depository Library Program of the Government Printing Office in ensuring public access to Government information.

SR–301

Indian Affairs

Business meeting, to consider pending calendar business.

SR–485

JULY 25

9:30 a.m.

Energy and Natural Resources

Parks, Historic Preservation and Recreation Subcommittee

To hold hearings on S. 1699, to establish the National Cave and Karst Research Institute in the State of New Mexico, S. 1737, to protect Yellowstone National Park, the Clarks Fork of the Yellowstone National Wild and Scenic River and the Absaroka-Beartooth Wilderness Area, and S. 1809, entitled the ''Aleutian World War II National Historic Areas Act''.

SD–366

JULY 30

9:30 a.m.

Energy and Natural Resources

Forests and Public Land Management Subcommittee

To hold hearings on S. 931, to authorize the construction of the Lewis and Clark Rural Water System and to authorize assistance to the Lewis and Clark Rural Water System, Inc., a nonprofit corporation, for the planning and construction of the water supply system, S. 1564, to authorize the Secretary of the Interior to provide loan guarantees for water supply, conservation, quality and transmission projects, S. 1565, to supplement the Small Reclamation Projects Act of 1956 and to supplement the Federal Reclamation laws by providing for Federal cooperation in non-Federal projects and for participation by non-Federal agencies in Federal projects, S. 1649, to extend contracts between the Bureau of Reclamation and irrigation districts in Kansas and Nebraska, and S. 1719, Texas Reclamation Projects Indebtedness Purchase Act.

SD–366

AUGUST 1

10:00 a.m.

Foreign Relations

To hold hearings to review foreign policy issues.

SD–419

SEPTEMBER 17

9:30 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the American Legion.

334 Cannon Building

POSTPONEMENTS

JULY 11

9:30 a.m.

Governmental Affairs

To hold hearings to examine remedies for Internal Revenue Service (IRS) financial management and modernization problems, including technical problems in the IRS tax systems modernization.

SD–342

Daily Digest

HIGHLIGHTS

Senate passed Defense Authorizations and TEAM Act.

Senate

Chamber Action

Routine Proceedings, pages S7507–S7677

Measures Introduced: Six bills were introduced, as follows: S. 1937–1942. **Page S7670**

Measures Reported: Reports were made as follows:

S. 483, to amend the provisions of title 17, United States Code, with respect to the duration of copyright, and for the other purposes, with an amendment in the nature of a substitute. (S. Rept. No. 104–315) **Page S7670**

Measures Passed:

Department of Defense Authorizations: By 68 yeas to 31 nays (Vote No. 187), Senate passed S. 1745, to authorize appropriations for fiscal year 1997 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, and to prescribe personnel strengths for such fiscal year for the Armed Forces, as amended. **Pages S7514–S7612**

National Defense Authorizations: Senate passed S. 1762, to authorize appropriations for fiscal year 1997 for military activities of the Department of Defense, and to prescribe personnel strengths for such fiscal year for the Armed Forces, after striking all after the enacting clause and inserting in lieu thereof Sections 1 and 2 and Division A of S. 1745, National Defense Authorizations, as amended. **Page S7612**

Energy National Security: Senate passed S. 1763, to authorize appropriations for fiscal year 1997 for defense activities of the Department of Energy, after striking all after the enacting clause and inserting in lieu thereof Division C of S. 1745, National Defense Authorizations, as amended. **Page S7612**

Military Construction Authorizations: Senate passed S. 1764, to authorize appropriations for fiscal year 1997 for military construction, after striking all after the enacting clause and inserting in lieu thereof Division B of S. 1745, National Defense authorizations, as amended. **Page S7612**

National Defense Authorizations: Senate passed H.R. 3230, to authorize appropriations for fiscal year 1997 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, and to prescribe personnel strengths for such fiscal year for the Armed Forces, after striking all after the enacting clause and inserting in lieu thereof the text of S. 1745, as amended. **Page S7612**

Senate insisted on its amendment, requested a conference with the House thereon, and the Chair appointed the following conferees: Senators Thurmond, Warner, Cohen, McCain, Coats, Smith, Kempthorne, Hutchison, Inhofe, Santorum, Frahm, Nunn, Exon, Levin, Kennedy, Bingaman, Glenn, Byrd, Robb, Lieberman, and Bryan. **Page S7612**

Pursuant to a unanimous-consent agreement reached on June 28, 1996, with respect to further consideration of S. 1762, S. 1763, and S. 1764 (all listed above as passed by the Senate), that if the Senate receives a message from the House of Representatives with regard to any of those bills, that the Senate be deemed to have disagreed to the amendment(s) to the Senate-passed bill, that the Senate request or agree to a conference with the House thereon, and that the Chair be authorized to appoint conferees on the part of the Senate.

Teamwork for Employees and Management Act: Committee on Labor and Human Resources was discharged from further consideration of H.R. 743, to allow labor management cooperative efforts that improve economic competitiveness in the United States to continue to thrive and, by 53 yeas to 46 nays (Vote No. 191), the bill was passed after striking all after the enacting clause and inserting in lieu thereof the text of S. 295, Senate companion measure, after taking action on amendments proposed thereto, as follows: **Pages S7614–19**

Adopted:

By 61 yeas to 38 nays (Vote No. 190), Kassebaum Amendment No. 4438, of a perfecting nature.

Pages S7614, S7618–19

Rejected:

By 36 yeas to 63 nays (Vote No. 189), Dorgan Modified Amendment No. 4437, of a perfecting nature. **Pages S7614, S7618**

Subsequently, S. 295 was returned to the Senate calendar. **Page S7677**

National Right to Work Act—Cloture Vote: By 31 yeas to 68 nays (Vote No. 188), three-fifths of those Senators duly chosen and sworn not having voted in the affirmative, Senate rejected a motion to close further debate on the motion to proceed to consideration of S. 1788, to amend the National Labor Relations Act and the Railway Labor Act to repeal those provisions of Federal law that require employees to pay union dues or fees as a condition of employment. **Pages S7612–14**

DOD Appropriations—Agreement: A unanimous-consent agreement was reached providing for the consideration of S. 1894, making appropriations for the Department of Defense for the fiscal year ending September 30, 1997, on Thursday, July 11, 1996, at 10 a.m. **Page S7677**

Messages From the President: Senate received the following messages from the President of the United States:

Transmitting a report relative to the People's Republic of China; referred to the Committee on Foreign Relations. (PM–159). **Page S7669**

Nominations Confirmed: Senate confirmed the following nominations:

Gary A. Fenner, of Missouri, to be United States District Judge for the Western District of Missouri.

Mary Ann Vial Lemmon, of Louisiana, to be United States District Judge for the Eastern District of Louisiana. **Page S7677**

Messages From the President: **Page S7669**

Messages From the House: **Page S7669**

Measures Placed on Calendar: **Page S7669**

Communications: **Pages S7669–70**

Statements on Introduced Bills: **Pages S7670–75**

Additional Cosponsors: **Pages S7675–76**

Notices of Hearings: **Page S7676**

Authority for Committees: **Page S7676**

Additional Statements: **Pages S7676–77**

Record Votes: Five record votes were taken today. (Total—191) **Pages S7525, S7614, S7618, S7619**

Adjournment: Senate convened at 11 a.m., and adjourned at 6:42 p.m., until 9 a.m., on Thursday, July 11, 1996. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S7677.)

Committee Meetings

(Committees not listed did not meet)

APPROPRIATIONS—AGRICULTURE

Committee on Appropriations: Subcommittee on Agriculture, Rural Development, and Related Agencies approved for full committee consideration, with amendments, H.R. 3603, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1997.

APPROPRIATIONS—VA/HUD

Committee on Appropriations: Subcommittee on VA, HUD, and Independent Agencies approved for full committee consideration, with amendments, H.R. 3666, making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1997.

APPROPRIATIONS—LIBRARY OF CONGRESS/GPO

Committee on Appropriations: Subcommittee on Legislative Branch held hearings on proposed budget estimates for fiscal year 1997, receiving testimony in behalf of funds for their respective activities from James H. Billington, Librarian of Congress; and Michael F. DiMario, Public Printer, Government Printing Office.

Subcommittee will meet again tomorrow.

NOMINATION

Committee on Armed Services: Committee ordered favorably reported the nomination of Andrew S. Effron, of Virginia, to be a Judge of the United States Court of Appeals for the Armed Forces.

ALASKA TIMBER SALE EXTENSION

Committee on Energy and Natural Resources: Committee concluded hearings on S. 1877, to extend for 15 years the long-term timber sale contract on the Tongass National Forest between the United States Forest Service and the Ketchikan Pulp Corporation, after receiving testimony from James R. Lyons, Under Secretary of Agriculture for Natural Resources and the Environment; Phil Janik, Regional Forester, Fred Walk, Director of Timber Management, and Brad Powell, Forest Supervisor, all of the Forest

Service, Department of Agriculture; Ralph Lewis and Owen Graham, both of the Ketchikan Pulp Corporation, Ernesta Ballard, Ballard and Associates, and Wayne Weihing, Tongass Conservation Society, all of Ketchikan, Alaska; Samuel A. Mabry, Hercules Incorporated, Mary A. Munson, Defenders of Wildlife, and Brian O'Donnell, Alaska Wilderness League, all of Washington, D.C.; Al Knapp, TIC Holdings, Steamboat Springs, Colorado; David L. Roets, Graseby STI, Waldon, Arkansas; Jay Scott Estey, Jaakko Poyry Consulting, Tarrytown, New York; Scott W. Horngren, Haglund & Kirtley, Portland, Oregon; David Katz and Robert Lindekugel, both of the Southeast Alaska Conservation Council, Juneau; and Gershon Cohen, Alaska Clean Water Alliance, Haines.

NOMINATION

Committee on Foreign Relations: Committee concluded hearings on the nomination of Alan Philip Larson, of Virginia, to be Assistant Secretary of State for Economic and Business Affairs, after the nominee testified and answered questions in his own behalf.

TERRORISM: SAUDI ARABIA

Select Committee on Intelligence: Committee continued hearings to examine certain issues surrounding the incidents of terrorism and the recent bombing of United States military facilities in Saudi Arabia, receiving testimony from Lawrence S. Eagleburger, former Secretary of State; Walter L. Cutler, former Ambassador to the Kingdom of Saudi Arabia; L. Paul Bremer, former Ambassador-at-Large for Counter-Terrorism; Richard Haass, former Senior Director for Near East and South Asian Affairs, National Security Council; and Mary Jane Deeb, American University, and Brian Jenkins, Kroll Associates, both of Washington, D.C.

Hearings were recessed subject to call.

House of Representatives

Chamber Action

Bills Introduced: 15 public bills, H.R. 3767–3781; and 2 resolutions, H. Con. Res. 196–197 were introduced. **Pages H7259–60**

Reports Filed: Reports were filed as follows:

H.R. 2823, to amend the Marine Mammal Protection Act of 1972 to support the International Dolphin Conservation Program in the eastern tropical Pacific Ocean (H. Rept. 104–665 Part 1); and

H. Res. 474, providing for consideration of H.R. 3396 to define and protect the institution of marriage (H. Rept. 104–666); **Page H7259**

Journal Vote: By a recorded vote of 342 ayes to 53 noes with 1 voting "present", Roll No. 294, the House agreed to the Speaker's approval of the Journal of Tuesday, July 9. **Pages H7159, H7170–71**

Recess—Joint Meeting: The House recessed at 9:04 a.m. **Page H7159**

Address by Prime Minister Netanyahu of Israel: The House and Senate met in a joint meeting to receive an address by His Excellency Binyamin Netanyahu, Prime Minister of the State of Israel. Prime Minister Netanyahu was escorted to and from the House Chamber by Senators Lott, Nickles, Mack, Craig, D'Amato, Thurmond, Helms, Hatch, Specter, Daschle, Ford, Boxer, Feingold, Feinstein, Lautenberg, Leahy, Lieberman, Pell, Wellstone, Wyden, and Levin; and by Representatives Armey, DeLay, Boehner, Cox, Paxon, Molinari, Gilman, Livingston, Solomon, Callahan, Schiff, Fox, Gephardt, Bonior, Kennelly, Frost, Hoyer, Hamilton, Yates, Obey, Wilson, Lantos, Berman, and Lowey. **Pages H7159–62**

Reconvene—Print Proceedings of Joint Meeting: The House reconvened from recess at 11:30 a.m. It was made in order to print the proceedings had during the recess in the Congressional Record. **Page H7163**

Committee to Sit: The following Committees and their subcommittees received permission to sit today during proceedings of the House under the five-minute rule: Committees on Banking and Financial Services, Economic and Educational Opportunities, Government Reform and Oversight, House Oversight, International Relations, Judiciary, Resources, Science, Small Business, and Transportation and Infrastructure. **Page H7165**

Cost of Government Day: By a yea-and-nay vote of 376 yeas to 23 nays, Roll No. 293, the House voted to suspend the rules and agree to H. Con. Res. 193, expressing the sense of the Congress that the cost of Government spending and regulatory programs should be reduced so that American families will be able to keep more of what they earn. The measure was debated on Tuesday, July 9. **Pages H7169–70**

Legislative Branch Appropriations: By a yea-and-nay vote of 360 yeas to 58 nays, Roll No. 298, the House passed H.R. 3754, making appropriations for

the Legislative Branch for the fiscal year ending September 30, 1997. **Pages H7171–H7206**

By a recorded vote of 191 ayes to 230 noes, Roll No. 297, rejected the Fazio motion to recommit the bill to the Committee on Appropriations with instructions to report the bill back to the House forthwith with amendments that reduce House Information Resources funding by $150,000. **Pages H7204–06**

Agreed To:

The Klug amendment that reduces Government Printing Office full-time equivalent employment by 100; **Pages H7183–86**

The Packard amendment that bars contracts or subcontracts to any person who intentionally affixes ''made in America'' labels or other similar inscriptions to products not made in the United States; **Pages H7187–88**

The Smith of Michigan amendment that applies amounts remaining in Members' Representational Allowances to deficit reductions; **Pages H7188–90**

The Castle amendment that requires that mass mailings by Members of the House include a notice that the mailing was prepared, published, and mailed at taxpayer expense and requires the disclosure and cost of the mass mailings for each Member; and **Pages H7196–97**

The Campbell amendment, as modified, that allows the use of dynamic economic modeling analysis in addition to static methods to complement budgetary estimates on spending and tax bills (agreed to by a recorded vote of 239 ayes to 181 noes, Roll No. 295). **Pages H7190–93, H7203**

Rejected:

The Fazio amendment that sought to transfer $4 million from the Office of the Chief Administrative Officer to Members' Representational Allowances to promote the use of computers and other electronic technologies; and **Pages H7197–H7202**

The Gutknecht amendment that sought to reduce all discretionary spending by 1.9 percent (rejected by a recorded vote of 172 ayes to 248 noes, Roll No. 296). **Pages H7193–96, H7203–04**

Withdrawn:

The Volkmer amendment was offered, but subsequently withdrawn, that sought to reduce Government Accounting Office funding by $250,000. **Pages H7186–87**

H. Res. 473, the rule providing for consideration of the bill was agreed to earlier by a voice vote. **Pages H7165–69**

Labor, HHS, and Education Appropriations: The House completed all general debate and began consideration of amendments to H.R. 3755, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1997. Consideration of amendments will continue on Thursday, July 11. **Pages H7215–43**

Agreed To:

The Velázquez amendment that increases Employment Standards Administration funding by $5 million for sweatshop enforcement in the garment industry and decreases Job Partnership Training funding accordingly; **Pages H7234–35**

The Stump amendment that increases Veterans Employment and Training funding by $3.8 million and reduces State Unemployment Insurance and Employment Service Operations funding accordingly; **Pages H7235–36**

The Chrysler amendment that increases the Administration for Children and Families funding by $2.399 million for the Battered Women's Shelter Program and reduces State Unemployment Insurance and Employment Service Operations funding accordingly; and **Page H7236**

The Slaughter amendment that increases Pension and Welfare Benefits Administration funding by $300,000 for genetic nondiscrimination enforcement activities and reduces Bureau of Labor Statistics funding accordingly. **Page H7237**

The Obey amendment was offered, but subsequently withdrawn, that sought to increase Employment Standards Administration funding by $5 million for sweatshop enforcement in the garment industry and decrease Job Partnership Training Partnership funding accordingly. **Page H7234**

Pending when the Committee of the Whole rose was the Pelosi amendment that seeks to eliminate the provision prohibiting funding for the Occupational Safety and Health Administration to develop or issue standards or guidelines regarding ergonomic protection (vote was postponed). **Pages H7239–42**

H. Res. 472, the rule under which the bill is being considered was agreed to by a voice vote. Earlier, agreed to order the previous question by a yea-and-nay vote of 218 yeas to 202 nays, Roll No. 299. **Pages H7206–15**

Presidential Message—National Interest re People's Republic of China: Read a message from the President wherein he transmits his report concerning suspensions under section 902(a) of the Foreign Relations Authorization Act—referred to the Committee on International Relations and ordered printed (H. Doc. 104–242). **Page H7243**

Amendments: Amendments ordered printed pursuant to the rule appear on pages H7260–64.

Senate Messages: Message received from the Senate appears on page H7162.

Quorum Calls—Votes: Three yea-and-nay votes and four recorded votes developed during the proceeding of the House today and appear on pages

H7169–70, H7170–71, H7203, H7203–04, H7205–06, H7206, and H7215. There were no quorum calls.

Adjournment: Met at 9 a.m. and adjourned at 11:51 p.m.

Committee Meetings

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS

Committee on Appropriations: Subcommittee on Energy and Water Development approved for full Committee action the Energy and Water Development appropriations for fiscal year 1997.

ONLINE BANKING

Committee on Banking and Financial Services: Subcommittee on Capital Markets, Securities and Government Sponsored Enterprises held a hearing on Online Banking and Technology in Banking. Testimony was heard from public witnesses.

Hearings continue tomorrow.

INSPECTOR GENERAL'S REPORT—STUDENT AID PROGRAMS

Committee on Economic and Educational Opportunities: Subcommittee on Oversight and Investigations held a hearing on "Split Decision: The Inspector General's Report on the Divided Management Structure of Student Aid Programs at the Department of Education." Testimony was heard from the following officials of the Department of Education: Madeleine Kunin, Deputy Secretary; and Thomas R. Bloom, Chief Financial Officer and Assistant Secretary, Administration; and Robert E. Alexander, Chairperson, Advisory Committee on Student Financial Assistance.

POSTAL REFORM ACT

Committee on Government Reform and Oversight: Subcommittee on the Postal Service held a hearing on H.R. 3717, Postal Reform Act of 1996. Testimony was heard from Marvin T. Runyon, Postmaster General and CEO, U.S. Postal Service; and Edward J. Gleiman, Chairman, Postal Rate Commission; and public witnesses.

CAMPAIGN FINANCE REFORM ACT

Committee on House Oversight: Ordered reported H.R. 3760, Campaign Finance Reform Act of 1996.

MISCELLANEOUS MEASURES

Committee on International Relations: Ordered reported the following measures: H.R. 3564, amended, NATO Enlargement Facilitation Act of 1996; H.R. 3759, amended, Exports, Jobs, and Growth Act of 1996; H. Con. Res. 142, amended, regarding the human rights situation in Mauritania, including the continued practice of chattel slavery; H. Con. Res. 155, amended, concerning human and political rights and in support of a resolution of the crisis in Kosova; and H. Con. Res. 191, to recognize and honor the Filipino World War II veterans for their defense of democratic ideals and their important contribution to the outcome of World War II.

MISCELLANEOUS MEASURES

Committee on the Judiciary: Subcommittee on Crime approved for full Committee action the following bills: H.R. 1499, amended, Consumer Fraud Prevention Act of 1995; S. 1507, amended, Parole Commission Phaseout Act of 1995; H.R. 3676, amended, Carjacking Corrections Act of 1996; and H.R. 3723, Economic Espionage Act of 1996.

DEFENSE OF MARRIAGE ACT

Committee on Rules: Granted, by voice vote, a modified closed rule providing 1 hour of debate on H.R. 3396, Defense of Marriage Act. The rule waives clause 2(l)(6) of rule XI (3 day availability requirement for committee reports) against consideration of the bill.

The rule makes in order only those amendments printed in the report accompanying the rule, to be offered only in the order printed, by the Member specified, and debatable for the time specified in the report. The amendments are considered as read and are not subject to amendment or subject to a demand for a division of the question. All points of order are waived against the amendments. Finally, the rule provides one motion to recommit, with or without instructions. Testimony was heard from Chairman Hyde and Representatives Canady, Johnson of Connecticut, Hobson, Frank of Massachusetts and Schroeder.

CIVILIAN SCIENCE AGENCIES' IMPLEMENTATION OF GOVERNMENT PERFORMANCE AND RESULTS ACT

Committee on Science: Held a hearing on Civilian Science Agencies' Implementation of the Government Performance and Results Act. Testimony was heard from Ernest Moniz, Associate Director, Science, Office of Science and Technology Policy; Anne Petersen, Deputy Director, NSF; Marc Chupka, Acting Assistant Secretary, Policy and International Affairs, Department of Energy; the following officials of the Department of Commerce: Robert Hebner, Acting Deputy Director, National Institute of Standards and Technology; and Diana Josephson, Deputy Under Secretary, NOAA; Henry Longest II, Deputy Assistant Administrator, Management, EPA; Gary Steinberg, Director, Strategic Management, NASA; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Small Business: Began mark up of the following bills: H.R. 3719, Small Business Programs Improvement Act of 1996; and H.R. 3720, Small Business Investment Company Reform Act of 1996.

Committee recessed subject to call.

MASSACHUSETTS' REQUEST FOR DISASTER ASSISTANCE FROM SBA

Committee on Small Business: Subcommittee on Government Programs held an oversight hearing on the Massachusetts request for Disaster Assistance from the SBA. Testimony was heard from Bernard Kulik, Associate Administrator, Disaster Assistance, SBA; the following officials of the State of Massachusetts: Bruce Tarr, Senator; Bruce Tobey, Mayor, Gloucester; and Trudy Coxe, Environmental Affairs Secretary, Executive Office of Environmental Affairs; and public witnesses.

AVIATION SAFETY PROTECTION ACT

Committee on Transportation and Infrastructure: Subcommittee on Aviation held a hearing on H.R. 3187, Aviation Safety Protection Act of 1996. Testimony was heard from public witnesses.

RAILS TO TRAILS ACT

Committee on Transportation and Infrastructure: Subcommittee on Railroads held a hearing on Agency Oversight: Administration of the Rails to Trails Act. Testimony was heard from the following officials of the Department of Transportation: Dan King, Director, Office of Public Services, Surface Transportation Board; and Anthony R. Kane, Executive Director, Federal Highway Administration.

Joint Meetings

RUSSIAN ELECTION

Commission on Security and Cooperation in Europe (Helsinki Commission): Commission concluded hearings to examine the impact of the recent election in Russia, after receiving testimony from James F. Collins, Ambassador-at-Large for the New Independent States; Michael McFaul, Stanford University, Stanford, California; and Peter Reddaway, George Washington University, and Blair A. Ruble, Kennan Institute for Advanced Russian Studies/Woodrow Wilson Center, both of Washington, D.C.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST *p. D704)*

H.R. 1880, to designate the United States Post Office building located at 102 South McLean, Lincoln, Illinois, as the ''Edward Madigan Post Office Building''. Signed July 9, 1996. (P.L. 104–157)

H.R. 2437, to provide for the exchange of certain lands in Gilpin County, Colorado. Signed July 9, 1996. (P.L. 104–158)

H.R. 2704, to provide that the United States Post Office building that is to be located on the 2600 block of East 75th Street in Chicago, Illinois, shall be known and designated as the ''Charles A. Hayes Post Office Building''. Signed July 9, 1996. (P.L. 104–159)

H.R. 3364, to designate a United States courthouse in Scranton, Pennsylvania, as the ''William J. Nealon United States Courthouse''. Signed July 9, 1996. (P.L. 104–160)

COMMITTEE MEETINGS FOR THURSDAY, JULY 11, 1996

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations, Subcommittee on Labor, Health and Human Services, and Education, to hold hearings to examine issues relating to abstinence education, 9:30 a.m., SD–138.

Subcommittee on Legislative Branch, to hold hearings on proposed budget estimates for fiscal year 1997 for the Secretary of the Senate and the Sergeant At Arms, 10 a.m., S–128, Capitol.

Full Committee, business meeting, to mark up H.R. 3603, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1997, and H.R. 3666, making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1997, 2 p.m., SD–192.

Subcommittee on Energy and Water Development, business meeting, to mark up proposed legislation making appropriations for energy and water development for the fiscal year ending September 30, 1997, 2:30 p.m., SD–138.

Committee on Banking, Housing, and Urban Affairs, to hold hearings on S. 1800, to amend the Electronic Fund Transfer Act to limit fees charged by financial institutions for the use of automatic teller machines, 10 a.m., SD–538.

Committee on Energy and Natural Resources, to hold oversight hearings on competitive change in the electric power industry, focusing on the FERC wholesale open access transmission rule (Order No. 888), 9:30 a.m., SD–366.

Subcommittee on Forests and Public Land Management, to hold hearings on S. 1738, to provide for improved access to and use of the Boundary Water Canoe Area Wilderness, 2 p.m., SD–366.

Committee on Foreign Relations, Subcommittee on African Affairs, to hold hearings to examine the emerging role of women in Africa, focusing on barriers to their full participation in their rapidly changing societies, 3 p.m., SD–419.

Committee on the Judiciary, to hold hearings on S. 1740, to defend and protect the institution of marriage, 10 a.m., SD–226.

NOTICE

For a listing of Senate committee meetings scheduled ahead, see pages E1237–38 in today's Record.

House

Committee on Agriculture, Subcommittee on Livestock, Dairy, and Poultry, hearing to review the Dairy and Livestock Producer Protection Act of 1996, 9:30 a.m., 1300 Longworth.

Committee on Appropriations, to mark up the following: Commerce, Justice, State, and Judiciary appropriations for fiscal year 1997; and 602(b) budget allocations for fiscal year 1997, 8 a.m., 2360 Rayburn.

Committee on Banking and Financial Services, Subcommitee on Capital Markets, Securities and Government Sponsored Enterprises, to continue hearings on on-line Banking and Technology in Banking, 10 a.m., 2128 Rayburn.

Committee on the Budget, hearing on ''How Did We Get Here From There?'' A discussion of the Evolution of the Budget Process from 1974 to the Present, 10 a.m., 210 Cannon.

Committee on Commerce, Subcommittee on Commerce, Trade, and Hazardous Materials, hearing on the following bills: H.R. 3553, Federal Trade Commission Reauthorization Act of 1996; and H.R. 447, to establish a toll free number in the Department of Commerce to assist consumers in determining if products are American-made, 10 a.m., 2322 Rayburn.

Subcommittee on Health and Environment, to mark up H.R. 1627, Food Quality Protection Act of 1995, 10 a.m., 2123 Rayburn.

Committee on Government Reform and Oversight, Subcommittee on Human Resources and Intergovernmental relations, oversight hearing on the Department of Labor's Efforts Against Labor Union Racketeering. 10 a.m., 2247 Rayburn.

Committee on International Relations, Subcommittee on the Western Hemisphere, hearing on the Implementation of the Cuban Liberty and Democratic Solidarity (Libertad) Act of 1996, 1:30 p.m., 2359 Rayburn.

Committee on the Judiciary, hearing on proposals for a constitutional amendment to provide rights to victims of crime (H.J. Res. 173 and H.J. Res. 174), 9:30 a.m., 2141 Rayburn.

Committee on National Security, hearing on H.R. 3237, Intelligence Community Act, 9:30 a.m., 2118 Rayburn.

Committee on Resources, full committee and the Subcommittee on Resource Conservation, Research, and Forestry of the Committee on Agriculture, joint hearing on H.R. 3659, Environmental Improvement Timber Contract Extension Act of 1996, 1 p.m., 1324 Longworth.

Subcommittee on Fisheries, Wildlife and Oceans, hearing on H.R. 3579, to direct the Secretary of the Interior to convey certain property containing a fish and wildlife facility to the State of Wyoming; followed by an oversight hearing on non-indigenous species; 10 a.m., 1334 Longworth.

Subcommittee on Water and Power, to mark up the following: H.R. 2392, to amend the Umatilla Basin Project Act to establish boundaries for irrigation districts within the Umatilla Basin; S. 1467, Fort Peck Rural County Water System Act of 1995; H.R. 3258, to direct the Secretary of the Interior to convey certain real property located within the Carlsbad Project in New Mexico to Carlsbad Irrigation District; and a measure to direct the Secretary of the Interior to sell the Sly Park Dam and Reservoir, 2 p.m., 1334 Longworth.

Committee on Rules, to consider H.R. 3756, making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1997, 2 p.m., H–313 Capitol.

Committee on Standards of Official Conduct, executive, to consider pending business, 3 p.m., HT–2M Capitol.

Committee on Transportation and Infrastructure, Subcommittee on Surface Transportation, to continue hearings on ISTEA Reauthorization Maintaining Adequate Infrastructure: Federal Funding Distribution Formulas, 9:30 a.m., 2167 Rayburn.

Committee on Ways and Means, Subcommittee on Human Resources, hearing on unemployment insurance issues, 10 a.m., B–318 Rayburn.

Next Meeting of the SENATE

9 a.m., Thursday, July 11

Senate Chamber

Program for Thursday: After the recognition of certain Senators for speeches and the transaction of any morning business (not to extend beyond 10 a.m.), Senate will begin consideration of S. 1894, DOD Appropriations, 1997.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Thursday, July 11

House Chamber

Program for Thursday: Complete consideration of H.R. 3755, Labor, HHS, Education, and Related Agencies Appropriations Act for FY 1997 (open rule, 2 hours of general debate); and

Consideration of H.R. 3396, Defense of Marriage Act (modified closed rule, 1 hour of general debate).

Extensions of Remarks, as inserted in this issue

HOUSE

Duncan, John J., Jr., Tenn., E1234
Frank, Barney, Mass., E1233
Hamilton, Lee H., Ind., E1234, E1236
Klink, Ron, Pa., E1233, E1235
Maloney, Carolyn B., N.Y., E1235
Meek, Carrie P., Fla., E1235
Peterson, Douglas ''Pete'', Fla., E1233, E1235

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