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Senate

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

PRAYER

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

Almighty God, our loving Heavenly Father, thank You for Your gracious care of each of us. Your loving hand is upon us seeking to assure us and direct our steps. Help us to be sensitive to every guiding nudge of Your direction. We face great challenges and even greater opportunities. Help us to be positive, creative thinkers today. Keep us from quickly making up our minds and then seeking Your approval for our decisions and actions. We do not have all the answers, so give us a spirit of true humility that constantly seeks to apply Your truth to the issues before us. Save us from the frustration and exhaustion of rushing up self-determined paths without Your guidance. Give us insight to see Your path and the patience and the endurance to walk in it with our hands firmly held by Yours. You have promised never to leave or forsake us, so we walk on with hope in our hearts. In the name of the Way, the Truth, and the Light. Amen.

RECOGNITION OF THE MAJORITY LEADER

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

Mr. LOTT. I thank the Chair.

SCHEDULE

Mr. LOTT. For the information of all Senators, this morning the Senate will resume consideration of the VA–HUD appropriations bill. There is a pending committee amendment which I understand will need a short-time limitation for debate prior to a vote. I hope we will reach a consent agreement shortly with respect to that amendment so that all Members can be notified as to when the first rollcall vote can be expected.

Additionally, I ask for the cooperation of all Senators who have amendments to this measure, to be available during the day so that we may dispose of those amendments and complete action on the VA–HUD appropriations bill during today's session. Also, the Senate may consider a resolution regarding the current situation in Iraq. Therefore, Senators should be prepared for rollcall votes throughout the day. As a reminder, the Senate will recess between the hours of 12:30 and 2:15 for the weekly policy conferences to meet.

Mr. President, I do wish to commend the distinguished Senator from Maryland for her work yesterday. I know she and the chairman of the subcommittee, the Senator from Missouri [Mr. BOND], did some preliminary statements and disposed of some work that could be accomplished, and that is very positive. I appreciate their time.

I think it is only fair and respectful of the two leaders of this subcommittee that the Members come over here and offer their amendments and let us do our work. I hope that the two Senators who have worked so hard on this good legislation do not have to stand here and look at each other without some action taking place. As pleasant as that may be, I know instead they would like to be dealing with Senators who have legitimate amendments that may be offered.

I understand there are three or four serious amendments that have to be offered and debated and probably voted on. Some others hopefully can be worked out. But we must keep our eye on the ball. The thing that we have to get done this week and for the next couple of weeks is these appropriations bills. It is the Senate's responsibility. Right after this bill, we will go in short order to Interior appropriations and then Treasury-Postal Service next week, and hopefully then I guess the Commerce-State-Justice appropriations bill, and finally Labor-HHS.

It is my intent, with the cooperation of the Democratic leader and all of our colleagues, to get through all of these appropriations bills in an expeditious manner. In order to do that, we are not going to be able to bring up a lot of other bills that do not have very tight time agreements, maybe not even if they do have time agreements. Until we complete these appropriations bills, I am going to do everything I can to limit the distractions, including issues that may cause us to start tangling with each other unnecessarily, so that we can hopefully have a spirit of cooperation and dedication in getting this work done.

I want to reiterate what I read in my opening statement. We did not get a response until 6:30 Monday afternoon in terms of some language perhaps that we could work out on the Iraqi situation. The appropriate Senators now are involved. Staff members are working. We hope we can get something worked out. We cannot give 2, 3, 4 hours to a resolution of this nature. Hopefully, we can come to something that is agreed to and bipartisan, and we can just have a vote that would be unanimous and move forward. But I am working in good faith to try to accomplish that.

I want to plead again to Senators. Come on over and do the work. These two Senators were jerked around considerably before the recess because they were ready to go, and we indicated that we were going to go to their bill before the August recess. We did not get to it. But now we are here, and they are doing good work. Let us give them our cooperation and get this bill done.

Mr. President, I yield the floor.

Ms. MIKULSKI addressed the Chair.

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

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The PRESIDING OFFICER (Mr. THOMAS). The Senator from Maryland.

Ms. MIKULSKI. I thank the majority leader for his very kind words about the way we have tried to move the bill. We, too, urge our colleagues to come over, particularly those who now have an amendment that they wish to bring to the floor. We were open for business yesterday, did 4 hours of very good, yeoman work. I think both sides of the aisle want to move the bill. We would like to concentrate on the major amendments, space station and veterans health care, and if others would just come over and discuss them with us, we believe we can iron some of them out and move ahead.

I thank the leader.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, leadership time is reserved.

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1997

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 3666, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (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, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Bond amendment No. 5167, to further amend certain provisions relating to housing.

Mr. LOTT. Mr. President, I observe the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BOND. 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. BOND. Mr. President, I think the parliamentary situation in which we find ourselves is this particular provision dealing with the Bion Program in NASA was included in the House bill. The committee amendment struck the House prohibition on those activities.

So, procedurally, the people who want to maintain the amendment will, after discussion, move to table the committee amendment, which is, I believe, the pending business. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. BOND. Therefore, we can begin the discussion whenever the proponents wish. The tabling motion will come at the end of the discussion. We would like to make sure that everyone who wants to be heard on this issue has an opportunity. We do not yet have a time agreement. We talked about 2 hours last night. I would like to know from the proponents, and will be discussing with them, how much time we need. There are some on our side who wish to maintain the amendment.

I hope we can wrap up the debate in fairly short order this morning and then move to the tabling motion. But I reserve my comments on the issue until those who are proponents have an opportunity to present their views.

Ms. MIKULSKI. I think that is a very good way to proceed. Hopefully, we can conclude this before 11:30 and then be able to move to the Iraqi amendment, so when we come back after the conference we can dispose of both of those and be then ready to continue to move the bill. That is kind of the way I see it.

Mr. BOND. I thank the ranking member for her very helpful suggestions. My view is we are now open for business for the next hour or so. We could have a very spirited debate on this important issue, and I hope then we will be in a position to resolve it.

I ask my colleague from New Hampshire if he is ready to proceed. If so, I will yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

EXCEPTED COMMITTEE AMENDMENT ON PAGE 104, LINES 21–24

Mr. SMITH. Mr. President, the pending amendment is a committee amendment to strike the language in the bill, as the Senator from Missouri has just indicated, that prohibits funding from being used for the so-called Bion 11 and 12 missions. The amendment will prevent the waste of approximately $15.5 million on wasteful research involving sending Russian primates into space. Let me repeat that, because one may wonder why we are spending money to send Russian primates into space. I wonder that myself, but that is what we are talking about. What we are trying to do is prevent the waste of $15.5 million of taxpayer money involving research—and it is wasteful research—sending Russian primates into space.

I would also like the record to reflect that Senators FEINGOLD, HELMS, KERRY of Massachusetts, D'AMATO, and BUMPERS have joined me in opposition to funding for this Bion Program. It is a bipartisan group of Senators, as you can tell, crossing the whole political spectrum. I believe Senator FEINGOLD will be speaking on the issue, if not others.

Just so there is no confusion, the language before the Senate passed the House by an overwhelming vote of 244 to 171. It appears on page 104 of the Senate bill. It reads as follows:

None of the funds made available in this act for the National Aeronautics and Space Administration may be used to carry out or pay the salaries of personnel who carry out the Bion 11 and 12 projects.

The pending committee amendment strikes this language. This is what we object to. I want to say at the outset, it is very important, I spent almost 6 years on the Science and Technology Committee in the House of Representatives before I came to the Senate. On that committee I do not think there is anyone who was a stronger supporter of NASA or the space program. I continued that support in my time in the Senate. This is not, and I want to make it very clear, it is not a NASA-bashing amendment. I am not asking these funds be taken out of NASA. I am just asking they not be spent on this particular project, the Bion project.

So let me make it very clear. This Senator has offered a number of amendments in the past to cut spending, and I am proud of them, but that is not what this is. I am not trying to take the money from NASA. I am trying to stop NASA from wasting money that NASA probably could find good use for in some other way.

I had hoped the committee would retain the Bion language, given that it passed the House by a majority of 73 votes. I felt it was reasonable that that language be retained. Frankly, I am disappointed it was not. We had 147 Republicans and 96 Democrats on the House side who supported the amendment to eliminate that funding.

There has been a great deal of criticism of the program from a wide variety of groups: the science community—it is interesting—the science community; not all in the science community, but many; taxpayer groups, those who wish to save tax dollars; animal welfare organizations; and, as well, interestingly enough, from people who had the courage to speak up inside NASA. So when we have NASA people, people within the science community, animal rights organizations, and taxpayer groups all together on an issue, I think it is worth the Senate's time to look at it very carefully.

This letter is from Tom Schatz of Citizens Against Government Waste, which strongly supports this amendment. He says here, this vote will be considered for inclusion in their 1996 congressional ratings. This is a group I have come to deeply respect because they have the knack for finding the most egregious examples of waste in the Federal bureaucracy. It is a very good group. Most Senators here are aware of this group and the very good job they do.

Mr. Schatz is very specific in his letter. I ask unanimous consent this letter be printed in the RECORD.

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

DEAR SENATOR: On behalf of the 600,000 members of the Council for Citizens Against Government Waste (CCAW), I urge you to support the efforts by Sens. Smith (R-N.H.) and Feingold (D-Wis.) to eliminate funding

for two Bion missions in the FY 1997 Veterans' Affairs, Housing and Urban Development, and Independent Agencies Appropriations bill (H.R. 3666). By eliminating this unnecessary program, taxpayers could save as much as $15.5 million.

These missions, known as Bion 11 and 12, are joint U.S./Russian/French flights scheduled for September 1996 and July 1998. The Russians will send Rhesus monkeys into space for 14 days so that scientists can study the effects of microgravity on the body. According to the Congressional Research Service, Russia has been executing these missions since 1973, and NASA has participated in the last eight, beginning in 1975. A variety of experiments on rodents, insects, and primates have been performed for the U.S. in the 17 years between 1975 and 1992, the date of the last Bion mission.

Data from the seventy-five successful Space Shuttle flights or long-term stays by Russian cosmonauts, such as Valery Polyakov's 439 day flight, could more accurately and less expensively provide the information scientists need to study these effects. In fact, NASA has performed several of its own experiments on monkeys, including two shuttle missions. If NASA feels that it is necessary to do further study on the matter, they only need ask astronaut Shannon Lucid how she feels when she returns from the Mir Space Station. Tax dollars should not be spent on duplicative and wasteful programs.

During consideration of H.R. 3666, the House supported an amendment to eliminate funding by a solidly bipartisan vote of 244–171. The Senate must also reject this funding. We urge you to support Sens. Smith and Feingold and kill this program at once. Any vote on this program will be considered for inclusion in the CCAGW 1996 Congressional Ratings.

Sincerely,

THOMAS A. SCHATZ,
President.

Mr. SMITH. I will quote from the letter just a couple of lines:

On behalf of the 600,000 members of the Council for Citizens Against Government Waste, I urge you to support the efforts by Sens. Smith and Feingold to eliminate funding for two Bion missions in the FY 1997 Veterans' Affairs, Housing and Urban Development, and Independent Agencies Appropriations bill (H.R. 3666). By eliminating this unnecessary program, taxpayers could save as much as $15.5 million.

He goes on to say what these missions are.

These missions known as Bion 11 and 12 are joint U.S./Russian/French flights scheduled for September 1996 and July 1998. The Russians will send Rhesus monkeys into space for 14 days so that scientists can study the effects of microgravity on the body. According to the Congressional Research Service, Russia has been executing these missions since 1973, and NASA has participated in the last eight, beginning in 1975. A variety of experiments on rodents, insects, and primates have been performed for the U.S. in the 17 years between 1975 and 1992, the date of the last Bion mission.

In addition, Mr. Schatz goes on to say:

Data from the seventy-five successful Space Shuttle flights or long-term space by Russian cosmonauts . . . could more accurately and less expensively provide the information scientists need to study these effects. In fact, NASA has performed several of its own experiments on monkeys, including two shuttle missions. If NASA feels it is necessary to do further study on the matter, they only need to ask Shannon Lucid how she feels when she returns from the Mir Space Station. (She has been up there several months.) Tax dollars should not be spent on duplicative and wasteful programs.

That is the end of the information from that letter. It is amazing that NASA would ask the taxpayers of the United States, or this committee, bringing this bill to the floor, would ask the taxpayers of the United States to spend $15.5 million to put monkeys in flight for 14 days to find out what effect space has on those monkeys in 14 days when we put human beings in space for 469 days. If there is anyone listening to me or anyone, a Member of this body, who can tell me how that money is well spent, I would like to hear from them. Again, let me repeat, putting monkeys in space for research for 14 days to find out the effects on the body when we send human beings in space for 469 days—can somebody help me? I am sending out the alert here.

Mr. President, this is one of the best examples that I have seen in my entire congressional career of a case of a program that began with good intentions that has outlived itself, because you see, many, many years ago when we started this, astronauts were not the first in space, primates were. We were obviously trying to find out the effects of the future human beings who were going to be in space. Well, that is past; that is over. But, O my God, let's not cut a Government program. Whatever we do, let's keep it going, let's keep it funded, let's not get rid of any bureaucrats who might be doing research we do not need to do. My goodness, we certainly would not want to do that, but that is exactly what the situation is here, Mr. President. This is outrageous. It is outrageous. There is no need for it, and, yet, we are doing it.

I also have a letter cosigned by Mr. Schatz and Ralph De Gennaro of Taxpayers for Common Sense, another antiwaste group that has done excellent work on this issue.

Mr. President, I said it is estimated that this amendment would prevent the waste of 15.5 million taxpayers' dollars by prohibiting funding of these two projects, Bion 11 and Bion 12, which involves sending primates into space. The Bion 11 mission is scheduled for liftoff this month, with Bion 12 in 1998.

Russian-owned rhesus monkeys would be launched from Kazakhstan in Russian capsules loaded with Russian technology for 2 weeks to study the effects of weightlessness. I say to my friends, the Senator from Maryland and the Senator from Missouri, who I know care about wasting taxpayers' dollars, 14 days in space for rhesus monkeys to determine the effects of weightlessness on the human body when we have human beings in space for 469 days? Please, give me a break. Save $15.5 million. The House said so. Let's be reasonable.

I realize that some are going to suggest this is still important. I am waiting to hear how someone can tell me that it is. NASA has already conducted five similar missions using primates as test subjects, as well as two shuttle missions dedicated to studying the effects of gravity on humans. Shuttle mission spacelab life sciences 1 and 2 focused on the effect of microgravity on astronauts in 1991 and 1993. Five United States-Russian ventures in the eighties and early nineties sent primates into space to research the same subject. It is bad enough the Russians are doing it. Why do we have to do it? I know there are a lot of people in my State of New Hampshire who would love to have that $15.5 million, a lot of needy people, people who do not have enough money for fuel in the winter—that is coming on us—or perhaps helping some small business get started and create more jobs.

This is not an anti-NASA amendment. This is a commonsense amendment, and the taxpayers group says they are going to rate this one, and they should, they absolutely should. I am glad they are doing it, because this is an outrageous waste of taxpayers' money.

I know year after year, we do see anti-NASA amendments. We always have one from the Senator from Arkansas cutting the space station, and I oppose it every time because I support the space station. I oppose that amendment because I support the space station. I have always voted against these amendments to cut NASA or to cut the space station.

As I mentioned, I was a member of the Science, Space and Technology Committee in the House of Representatives for 6 years. I was a member of the Congressional Space Caucus and the Republican task force on space exploration. So I come at this not anti-NASA, and every person in the space agency who has worked there for any period of time knows this. They also know that this project is a waste of money.

I coauthored NASA authorization bills. In fact, I wrote language providing for the National Weather Service to conduct pH monitoring to provide the public with access to information about the acidity of rainfall. I cosponsored a resolution urging support for the space station budget and have consistently voted against efforts to cut the space station. I cosponsored legislation to promote space commercialization.

This is a pro-NASA amendment. That is what this is. This is a pro-NASA amendment because it is going to provide $15.5 million for something worthwhile. Taxpayers deserve to have their money spent wisely. They work hard to pay taxes to the Federal Government, and they deserve to have that money spent, not only wisely but reasonably.

(Mr. BROWN assumed the chair.)

Mr. SMITH. Mr. President, if you want to cast a NASA bashing vote, then this amendment is not the amendment for you, because that is not what

this is. This amendment, this $15 million comes right out of important NASA programs like the space station and the space shuttle. But if you are like me and you are excited about the advances we are making in space exploration, you ought to vote to eliminate this kind of waste and provide it in areas where the space program could use the money. Every nickel we spend on the Russian Bion program is money that would have been spent on important United States space priorities. Every nickel.

For example, we could divert this money to speed up the development of Lockheed Martin's Venture Star, the new X–33 single-stage reusable reorbit launch vehicle. The cost of this project will be about $1 billion through the year 2000. This is exciting, revolutionary technology, and it represents precisely the kind of innovation that I am talking about and precisely the kind of innovation that the American people expect out of their space program, which will create millions of jobs in the 21st century.

Furthermore, in the Venture Star Project, we will have a public-private partnership that helps ease the financial burden on the taxpayer. I am told that the estimated cost of sending payloads into space on the Venture Star will be approximately $1,000 per pound, compared with a $10,000 per pound cost on the space shuttle. A tremendous savings.

This $15 million could be used to accelerate the development of technology that will truly benefit our knowledge of space and enhance the competitiveness of the U.S. industry.

Mr. President, we all know how a program takes a life of its own. There has never been an example, as I said before, in all of my years in Congress that is a more egregious example of this exact fact: a program that went beyond what it was supposed to do and yet it continues because no one wants to pull the plug, because somebody is getting some research dollars to do this, somebody is tending the cages of the animals, somebody is making the money, getting a salary somewhere, so God forbid we should cut off a program.

I know that the current occupant of the chair, the Senator from Colorado, has joined me on many occasions in cutting spending. I say to the distinguished Senator that this is an example of the kinds of things that he has fought for for so many years in the House and in the Senate. Again, a program to find out the effects of weightlessness on human beings by putting primates in space for 14 days. We now have humans in space for over 400 days, and we still have the program. I repeat that because I know the distinguished occupant of the chair came in after my comments. I want to be sure he heard them because I need his vote on this issue.

The Bion Program is this kind of program. It has outlived itself. Let me give you a historical perspective. Let me read from a 1969 letter to Senator Peter Dominick, whose constituents at the time objected to NASA monkey experiments identical to Bion. NASA stated:

> The purpose of the biostat light mission is to determine the effects of prolonged exposure to the space environment, including weightlessness on the central nervous system, the cardiovascular system, metabolism and the behavior of a primate.

That was 1969. Thirty years later, almost, NASA still makes the same argument for the program even though humans have gone to the Moon and spent more than 400 days in space at one time. Shannon Lucid is there now, and has been there a lot longer than 14 days.

According to a July 11, 1995, article in the New York Times, more than 300 American and Russian astronauts have logged a total of 38 years in space since Yuri Gagarin in 1961 became the first person to ride a rocket into orbit. Think of that. More than 300 American and Russian astronauts have logged a total of 38 years in space since Gagarin in 1961 became the first person. Yet we still have to send primates into space for 14 days to determine the effects of weightlessness on the central nervous system? And 38 years of time in space by humans. But the project continues.

Why should we waste $15 million on a Russian project that is dedicated to an area of research that American scientists have already examined on seven previous missions? I do not know. Who knows? Nobody wants to pull the plug on the program. We do not want to offend the Russians? I do not know. We do not want to offend the French? I do not know, and I do not care. My responsibility is not to the French, it is not to the Russians. It is to the taxpayers. It just does not make sense. What are we going to learn?

Please, somebody, tell me what we are going to learn 15 million dollars' worth of new information on these two 14-day flights. The bill before us cuts NASA's budget for 1997 by almost $200 million below last year's funding level. When I say ''cut,'' I do not mean it in President Clinton's terms where we increase a program by billions of dollars and call it a cut. That is the President's language. We have been through that with Medicare and Medicaid where we increase a program by 25 to 42 percent and it is called a cut.

This is a real cut, Mr. President. In simple math in 1996 we spent $13.9 billion on the NASA budget. This year we spent $13.7 billion. So we are going down. And yet we still waste this kind of money. I am not arguing the need to cut the budget in light of our $5 trillion debt. But if there is anything I hear consistently from my constituents back home is they want us to start with waste, start with waste. Cut out the waste, the fraud, the mismanagement and then we can look at other programs that we may have to cut to get the job done but, for goodness sakes, start with the most outrageous, egregious waste of taxpayer dollars.

As one who is unabashedly a strong supporter for the NASA program, who is looking forward to the development of a new and exciting technology in the space program, who is looking forward to space exploration and the space station and all the positive spinoffs we will get, who is looking forward to the jobs that are being created, I would hate to see this money wasted on controversial and outdated research that reflects poorly on the agency. And it does. It reflects poorly on the agency.

Somebody in management somewhere did not have the courage to tell somebody they no longer had to attend those primate cages or whatever they do or get any more money. Somebody did not have the courage to tell them or to move them to some other position. So here we go. This is going to reflect poorly on NASA. It reflects poorly on NASA.

The Senate has an obligation to stop it just like the House did, Mr. President. I would like to share with my colleagues an article from the Washington Post on August 30, 1996, entitled, ''Reducing Force a Bad Idea, Space Center Director Says.'' Mr. President, I ask unanimous consent that article be printed in the RECORD.

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

[From the Washington Post, Aug. 30, 1996]

REDUCING FORCE A BAD IDEA, SPACE CENTER DIRECTOR SAYS—MULTIPLE PROBLEMS PREDICTED FOR KENNEDY FACILITY

(By Seth Borenstein)

CAPE CANAVERAL.—Plans for a smaller work force at Kennedy Space Center will lead to hundreds of layoffs in two years and leave the center unable to do everything NASA expects of it, the center's director said in a letter to his bosses.

A dozen different types of work at Kennedy—including some safety inspections—can't be done if the center's civil service work force is cut to 1,445 as planned in October 1998, Director Jay Honeycutt said in an Aug. 7 letter. There are more than 2,100 federal workers at the space center.

A total of 547 people would have to be laid off as of Oct. 1, 1998, if the employment target doesn't change, Honeycutt wrote. In the past, Honeycutt had said layoffs might be avoided.

''The reduction predicted in . . . [the 1999 fiscal year] effectively removes all but direct mission operations support as of Oct. 1, 1998,'' Honeycutt wrote. ''I do not feel this is a prudent approach for the center . . . or the agency.''

In his letter, Honeycutt noted that the cuts would come just as the space center begins overseeing massive upgrades to the space shuttle and getting pieces of NASA's space station ready for launch.

Honeycutt said the 1,445-employee figure that NASA wants to impose on the center was based on it becoming a government-owned, contractor-run facility—an approach that has been heavily changed by NASA officials since it was announced in May 1995.

NASA plans to shrink the center's government work force even further by October 1999, though be less than originally planned. The agency had set a target of 1,135 workers for Oct. 1, 1999, but in late July NASA's deputy administrator wrote the General Accounting Office to say the revised target would probably be 1,360.

Honeycutt sent his letter to top space flight officials at NASA headquarters and Johnson Space Center.

The letter was part of a private, ongoing dialogue between the space center and Washington about staffing levels, but it became public Monday on an Internet computer site devoted to upcoming layoffs at the space agency, spokesman Hugh Harris said.

Harris confirmed the letter on the non-NASA World Wide Web site had been written by Honeycutt. He wrote that cutting the civil service work force to 1,445 would, among other things:

Leave NASA unable to monitor the safety and quality of contractors' work.

Make it impossible for the government to conduct safety inspections of certain facilities.

Force the center to discontinue independent safety studies called for by the federal commission that investigated the 1986 Challenger explosion.

Bring a halt to shuttle upgrade work beyond 1998.

Prevent the space center from making technological improvements that would cut shuttle launch costs and save NASA money in the long run.

If the current work force target for October 1998 isn't changed, ''KSC's core engineering skills, [and] technical expertise . . . are seriously eroded,'' Honeycutt wrote.

Outsiders said Honeycutt's letter was a serious action for a center director to take.

''After awhile you stop being overly polite,'' said Seymour Himmel, a member of the Aerospace Safety Advisory Panel who has studied morale and safety issues at the space center. ''It's trying to be realistic about what they're being asked to do with less, and what the consequences are.

''You are put in a position where you don't know what the hell to do,'' Himmel said of Honeycutt's situation. ''If you really have the programs of the agency at heart, you've got to stand up and be counted.''

A spokesman for Rep. David Joseph Weldon (R–Fla.), who is vice chairman of the House space subcommittee, said Honeycutt was justifiably upset. ''This is the doomiest and gloomiest letter you will see,'' said the spokesman, J.B. Kump, ''Hopefully, this will open some eyes at headquarters.''

Ed Campion, a spokesman at NASA headquarters, said the agency takes comments such as those in Honeycutt's letter very seriously. ''These are the kind of frank discussions that we have to have when we're in tight budget times and trying to make hard decisions,'' he said.

Mr. SMITH. The article is about a proposal where 547 people would have to be laid off as of October 1, 1998. For the $15.5 million we are spending on Bion we could afford to pay each of these people $28,000. I am not saying necessarily that I advocate that, but I just want to point out how much money $15 million is. Every one of those people are going to lose their job. They could be paid $28,000 a year just from this project. It is obvious they do not all make under $28,000, but the point is, we are laying off American workers at the Kennedy Space Center while we send $15.5 million to Russia to conduct redundant and wasteful research, not to mention the pain that you inflict on animals for no purpose, no purpose whatsoever—no purpose.

I am not an advocate of totally eliminating all research, but I think if you all remember the recent story about the gorilla who picked up a small child that had fallen into a gorilla cage, picked it up in its arms and gently carried it to the door of the zookeeper so that they could open the door and carry that child out to safety, it saved the child's life from other gorillas that may have hurt it when the child had fallen into the cage. These are animals. They have feelings. Why would you want to inflict this kind of pain for nothing? It is the same family. They are primates, gorillas and chimps or monkeys. Why would you want to inflict that pain for no reason—no reason? To find out what weightlessness is like in space on these animals for 14 days?

Let me go a little further on to why this research is so wasteful. I am going to cite a number of quotes from NASA experts, NASA documents, scientists, scholars, and medical experts that prove this point.

Let me start with a memo from February 9 of this year. It was written by Jack Gibbons who serves as both the Assistant to the President for Science and Technology and the Director of the Office of Science and Technology Policy. And it is written to Dan Goldin, the Administrator of NASA.

I ask unanimous consent that this be printed in the RECORD, Mr. President.

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

THE WHITE HOUSE,
Washington, February 9, 1996.

Memorandum for Dan Goldin.
From Jack Gibbons.
Re Primates in Research.

I am following up on our conversation about the situation at NASA with respect to the use of primates in research. I sympathize with your concern that the era of need for primates in NASA's research is now behind us, and that it may be time to retire those animals. I would be pleased to talk with you about the situation and to discuss alternate options to consider.

I should point out that the Air Force is also interested in options concerning their primates, and that the National Institute of Medicine is planning to do a related study under NIH sponsorship.

Please let me know if you want to follow up. I look forward to hearing from you.

Mr. SMITH. This is on White House stationery, written on February 9, 1996, from Jack Gibbons. And it is to the Director of NASA. Let me quote it. It is very brief.

I am following up on our conversation about the situation at NASA with respect to the use of primates in research. I sympathize with your concern that the era of need for primates in NASA's research is now behind us, and that it may be time to retire those animals. I would be pleased to talk with you about the situation and to discuss alternate options to consider.

How could you possibly be any clearer than that? This is from Mr. Gibbons, who is involved with these programs at NASA, to the Director saying it is time to wrap it up, we do not need the money for this project. Yet, here it is, stricken by the House, to their credit overwhelmingly, by a bipartisan vote. But here we go again. Let us leave it in. Who is the lobbyist for this? Who is pushing this? Why is it still in here? Why are we fighting this battle on the Senate floor? Who is this? Where is this coming from?

NASA does not want it, apparently. Where is the lobby for this? I think it is a strong affirmation of my point that this research is unimportant and unnecessary. They do not want it. As this memo clearly states, our two top space officials did not think it was a priority in February, yet here we are in September, by golly, we will put it right in there. Let us spend that money. I do not know who called whom but somebody did, I guess.

In fact, they concluded without hesitation, these two officials, that there is no longer any need whatsoever for such research, and the House of Representatives agreed with them overwhelmingly in June. I give a lot of credit to my friends in the House for acting reasonably.

Since February is there any new startling information out there somewhere that provides some new development, some new revelation that now putting primates in space for 14 days is somehow going to prove, help us to understand weightlessness and the effects on the nervous system for humans who have been in space for 469 days?

I want to hear this tremendous revelation of information. I want to hear about it. It must be exciting, because it persuaded somebody to change their mind between June and now. Where is this information? Where are the documents? People say, ''Why do you go out and get so excited over $15.5 million, over a couple of rhesus monkeys?'' If enough people got excited over $15.5 million every time we wasted that kind of money, we would save money around here and get the budget balanced a lot quicker and we would spend money a lot wiser. We have an obligation to take care of the little things, and the big things will take care of themselves.

Proponents might talk about a recent commission that considered animal welfare. The commission was thrown together with the expectation that Congress might consider cutting the Bion Program. It is very interesting that we see a situation like this. It makes me wonder. I have been in Congress now 12 years. It really makes me wonder who is making the decisions in this Government? Who is really making the decisions? You have a situation where the top two officials in NASA, who deal with the project, do not want it. I don't know of any proponent in the White House that wants it. The House took it out. Yet, here we are on the Senate floor battling over it, wasting a couple of hours of time, perhaps, arguing about this $15.5 million spent on this primate research. Why? It really is amazing. Is somebody who works below these people going around them and somehow getting information here to this Senate? Yes, probably. I think the Senator from Colorado, who occupies the chair and who has had so many

amendments on this Senate floor and in the House regarding this kind of funding, knows that. That is exactly what happens. Frankly, whoever is doing this ought to be fired. They ought to be fired, and we would save a little more money.

There have been a number of these sham committees already that were set up to study something long before this memo was written. So the latest round has taught us nothing. There is a quote from Dr. Larry Young, a professor of astronautics at the Massachusetts Institute of Technology, MIT:

> We are about at the limit of what we can do on shuttle missions in terms of understanding the long play of weightlessness as it affects humans and animals.

I would certainly think so. Fourteen days for primates and 400-plus days for humans, and we are still putting primates in space to study weightlessness on the human nervous system.

This quote is from the final reports of the U.S. experiments flown of the Soviet biosatellite Cosmos 2044 Bion 9:

> The small number of animals studied after space flight preclude drawing any major conclusions for the present.

Now, I don't know if I can stand here and say, well, there is no circumstance at all, no chance that we might learn anything at all from these launches. I am sure we can probably figure something out. Who knows? Maybe monkeys' ears grow more in space. We can probably come up with something if we worked at it. But that is not the point. The point is that it is not cost effective, it is not humane, it is not an American priority, and it is not NASA's priority. That is the point. It is not NASA's priority, not humane, not cost effective, and not cost efficient. Yet, we are going to spend the money anyway.

Unless I can get 50 people plus myself to disagree with the committee, we will spend it and put these animals through suffering for nothing. It is bad enough we have to do it for something, but here we are going to do it for nothing and spend the money. Unless I can get 50 people to agree with me, that is exactly what will happen. I wonder how many Americans even realize that we are still sending primates into space. Frankly, until this amendment came to my attention, I didn't know it.

Our two highest science officials, in the memo I just read, agree that the area of need for primates in NASA's research is now behind us. We have had humans in space for over 400 days. We have learned that most of the problems associated with weightlessness occur after about 2 weeks in space, and the Bion flights are only 2 weeks long. Only in Washington, DC, really, only in Washington, only in the U.S. Government would you have a project as ridiculous as this. I'll repeat that. We have learned that most of the problems associated with weightlessness occur after 2 weeks in space. Yet, we put primates up for 2 weeks and then bring them down. They are not just sitting in the capsule; they are doing all kinds of pretty nasty things to these animals while they are in there.

Mr. President, I do have some more comments to make, but I have used up a good portion of the hour. I think at this point I am going to yield the floor and reserve the remainder of the time for other Senators who may wish to speak.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, I thank the Chair, and I thank my friend from New Hampshire for giving me an opportunity to answer some of the very pertinent questions he has raised. The effect of this amendment would be to prohibit NASA from spending $6.8 million in fiscal year 1997 on an important, efficient, peer-reviewed, biomedical research program using rhesus monkeys flown on Russia's space vehicle. It doesn't change the total budget. It forces NASA to withdraw from a signed contract with Russia, override scientific peer review, and undermine the Animal Welfare Act, while at the same time handing animal rights extremists a victory.

Now, there is no one in this body who has any greater aversion to Government waste and unnecessary spending than I do. I think my record as a Governor and in the Senate is one of opposing Government waste. I have challenged duplication of effort. I have pointed out time and time again where the Federal Government wastes money duplicating efforts and where States and local governments have duplicating authorities. I have fought many battles to cut out unnecessary activities. I have fought these battles where I know, from my experience as an executive and as an administrator and as a legislator, where we can cut out waste.

But there is also another area where I think we have made a lot of mistakes in this body, and that is in the area of science. I had a few courses in science, just enough to know that I am not a scientist. So when it comes to scientific matters, I think we ought to rely on the scientific community and get the best judgments from the scientists. If I were going to give a seat-of-the-pants science response, I might say something very simple like, ''We ought to be testing monkeys rather than human beings.'' That is a nonscientific response. But good science is at issue here. Are we going to substitute the scientific judgment of this body for the peer-reviewed science of the experts who have been brought together to say that we need this research? There are perhaps one or two Members of this body who are really qualified to make scientific judgments, who have some background in this area. I would be interested to hear from them. But for the most part, we are going to have to rely on what the scientists have told us. There are some in the opposing-Government-waste category who think that maybe, on the face of it, this is a wasteful activity. But they are plain wrong when you compare the science.

Astronauts' bodies undergo major changes during long durations of space flight, changes which are debilitating on return to Earth.

Some people can survive over a year in space. But we still do not know how to prevent the changes, or even if these changes are reversible.

Let us see what science has said about it. Bion 11 and Bion 12 are outstanding values for the American taxpayer.

Who is lobbying for this? Mr. President, I have a letter here of July 31, 1996 signed by Cornelius Pings, president, Association of American Universities, C. Peter Magrath, president, National Association of State Universities and Land-Grant Colleges, and Jordan J. Cohen, president, Association of American Medical Colleges.

There you have it. That is a pretty tough lobbying group, the Association of American Universities, the National Association of State Universities and Land-Grant Colleges, and the Association of American Medical Colleges. What do they say?

> The Bion missions are designed to study the biological effects of low gravity and the space radiation environment on the structure and function of individual physiological systems and the body as a whole. Bion 11 and 12 will focus specifically on the musculoskeletal system. While the loss of muscle and bone mass during space flight is well documented, neither the rate nor the specific mechanisms involved are well understood. Research on human subjects in this area is difficult because human crew members regularly practice countermeasures designed to nullify some of the adaptive responses to microgravity. While these actions may enhance crew performance and comfort, they also alter or mask the physiological symptoms being studied. Since tissue loss in the musculoskeletal system may be one of the critical factors limiting human space exploration, it is essential that we understand how and why these changes occur and how we might prevent them.

Their conclusion is:

> We strongly support the use of merit review to determine how limited Federal funds may most productively be spent for scientific research. The Smith amendment would override scientific peer review . . .

Let me repeat that.

> The Smith amendment would override scientific peer review and force NASA to withdraw from a signed contract with international partners. We urge you to oppose the amendment.

Mr. President, that is who is lobbying for this provision.

I ask unanimous consent that this letter be printed in the RECORD.

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

> ASSOCIATION OF AMERICAN UNIVERSITIES, NATIONAL ASSOCIATION OF STATE UNIVERSITIES AND LAND-GRANT COLLEGES; ASSOCIATION OF AMERICAN MEDICAL COLLEGES,
>
> *July 31, 1996.*

DEAR SENATOR: When the Senate turns to consideration of HR 3666, the VA–HUD-Independent Agencies Appropriations bills, we

understand that Senator Robert Smith plans to offer an amendment prohibiting NASA funding of the Bion 11 and 12 projects. We urge you to oppose this amendment.

We are concerned about the precedent this amendment sets in terminating research that has been reviewed and approved on the basis of scientific merit. The Bion missions have been peer-reviewed and approved by five independent panels over the past eight years. The most recent panel, which submitted its unanimous recommendations to NASA Administrator Dan Goldin only last week, found that the quality of science proposed is very high, that there are no known alternative means to achieve the objectives, and that the animal care and welfare proposals meet all requirements and U.S. legal standards.

The Bion missions are designed to study the biological effects of low gravity and the space radiation environment on the structure and function of individual physiological systems and the body as a whole. Bion 11 and 12 will focus specifically on the musculoskeletal system. While the loss of muscle and bone mass during space flight is well documented, neither the rate nor the specific mechanisms involved are well understood. Research on human subjects in this area is difficult because human crew members regularly practice countermeasures designed to nullify some of the adaptive responses to microgravity. While these actions may enhance crew performance and comfort, they also alter or mask the physiological symptoms being studied. Since tissue loss in the musculoskeletal system may be one of the critical factors limiting human space exploration, it is essential that we understand how and why these changes occur and how we might prevent them.

We strongly support the use of merit review to determine how limited federal funds may most productively be spent for scientific research. The Smith amendment would override scientific peer-review and force NASA to withdraw from a signed contract with international partners. We urge you to oppose the amendment.

Sincerely,

CORNELIUS J. PINGS,
President, Association of American Universities.

C. PETER MAGRATH,
President, National Association of State Universities and Land-Grant Colleges.

JORDAN J. COHEN,
President, Association of American Medical Colleges.

Mr. BOND. Mr. President, the Administrator took notice of the concerns of those who objected to the Bion effort. He convened a high-level independent review program which completed its work on the Bion Task Force on July 1 with the unanimous recommendation to the NASA Advisory Council that NASA proceed with Bion 11 and 12 missions.

He states in his letter of July 26:

. . . the NASA Advisory Council unanimously approved the findings and recommendations of the Task Force and forwarded them to me.

That is a letter of Daniel Goldin of July 26 of the NASA Advisory Council which is composed, among others, of professors at Stanford University, Cornell University, Massachusetts Institute of Technology, Florida A&M, DePaul University, California Institute of Technology, Harvard University, and a number of private sector organizations are involved. This NASA advisory council unanimously approved the recommendation of the Bion task force chaired by Ronald C. Merrell, Lampman professor and chairman, Department of Surgery of Yale University.

That letter of July 2 to the advisory council says:

We unanimously recommend that the Agency proceed with the Bion Project. In response to the three questions you asked us to address in reaching our recommendation we find the following:

1. The quality of the science proposed in the integrated protocol is excellent. It has been reviewed by peers in a very thorough and repeated manner and has withstood analysis for nearly a decade. The science has been thoughtfully integrated to accommodate an enormous matrix of material which is highly likely to yield meaningful results.

2. There are no known alternative means to achieve the objectives of the proposal. The data do not exist at present and there are no alternative species to test the hypotheses. Specifically, the use of Rhesus monkeys seems inevitable to achieve the objectives.

3. The animal care and welfare proposals meet all requirements and US legal standards.

Mr. President, I ask unanimous consent that the letter from Daniel C. Goldin and the attachments from the advisory council and the Bion task force be printed in the RECORD.

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

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, OFFICE OF THE ADMINISTRATOR,
Washington, DC, July 26, 1996.

Hon. CHRISTOPHER S. BOND,
Chairman, Subcommittee on VA-HUD-Independent Agencies, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I wish to thank the Committee for rejecting the limitation included in the House-passed version of H.R. 3666, the FY 1997 VA-HUD-Independent Agencies appropriations bill, which would have precluded NASA's use of any appropriations in the bill for the conduct of the Bion 11 and 12 missions. The Bion Program is a cooperative space venture among the U.S., Russian and French space agencies for the conduct of international biomedical research using Russian-provided infrastructure, spacecraft, payload and primates. The House limitation effectively threatened the principle of rigorous peer review in biomedical research, and the Committee wisely chose to delete this limitation.

As I indicated to you in my letter of July 5, a high-level independent review of the program was completed by the Bion Task Force on July 1, with a unanimous recommendation to the NASA Advisory Council that NASA proceed with the Bion 11 and 12 missions. Yesterday, the NASA Advisory Council unanimously approved the findings and recommendation of the Task Force and forwarded them to me. I have accepted the recommendation of the Council and the Task Force (enclosures 1 and 2) that the Agency proceed with the Bion missions. I seek the Committee's continued support for NASA's participation in the Bion 11 and 12 missions as the Senate considers H.R. 3666, and rejection of any amendment to restrict NASA's participation in Bion.

Again, thank you for allowing NASA to pursue its open process of review for selecting the highest quality science by peer review in conformance with U.S. animal welfare laws and the highest ethical principles.

Sincerely,

DANIEL S. GOLDIN,
Administrator.

NASA ADVISORY COUNCIL, NATIONAL AERONAUTICS AND SPACE ADMINISTRATION,
Washington, DC, July 25, 1996.

Mr. DANIEL S. GOLDIN,
Administrator, NASA Headquarters, Washington, DC.

DEAR MR. GOLDIN: As you requested, a task force of the NASA Advisory Council was formed to provide you with advice and recommendations on NASA participation in the U.S.-French-Russian Bion Program. The task force, led by Dr. Ronald Merrell, met on July 1. The membership was technically competent with broad expertise appropriate for addressing the task force's charter.

At our meeting on July 24, Dr. Merrell briefed us on the task force's activities and deliberations. We unanimously approved its three findings and its recommendation to proceed with the Bion project. We also support its strong advocacy for continued efforts to strengthen the bioethics review policy and process for animal experimentation to be implemented before Bion 12. These findings and recommendations are contained in the enclosed letter from Dr. Merrell.

The public was present and participated in both meetings. Members of the Bion Task Force are to be commended for the seriousness, care, and depth with which they carried out this sensitive task. If we can be of any further assistance, please do not hesitate to ask.

BRADFORD W. PARKINSON,
Chair.

YALE UNIVERSITY,
New Haven, CT, July 2, 1996.

Re Bion task force.

BRADFORD W. PARKINSON, MD,
Chairman, NASA Advisory Council, NASA Headquarters, Code Z, 300 E Street SW, Washington, DC.

DEAR DR. PARKINSON: The Bion Task Force, summoned by the NAC to consider the matter of Bion 11 and 12, met at NASA Headquarters on July 1, 1996. We responded to the attached charge and all members were in attendance except for Dr. Borer. Assignments and logistics had been discussed on a telephone conference call May 15. At our meeting we were ably supported by Dr. Frank Sulzman and aided by an extensive panel of NASA scientists as well as project participants from France and Russia. The public was present and participated in the presentations. The agenda for our meeting and the assignments are attached. Minutes of our activities will be ready shortly. However, I though it appropriate to report immediately our recommendation.

We unanimously recommend that the Agency proceed with the Bion Project. In response to the three questions you asked us to address in reaching our recommendation we find the following:

1. The quality of the science proposed in the integrated protocol is excellent. It has been reviewed by peers is a very thorough and repeated manner and has withstood analysis for nearly a decade. The science has been thoughtfully integrated to accommodate an enormous matrix of material which is highly likely to yield meaningful results.

2. There are no known alternative means to achieve the objectives of the proposal. The

data do not exist and there are no alternative species to test the hypotheses. Specifically, the use of Rhesus monkeys seems inevitable to achieve the objectives.

3. The animal care and welfare proposals meet all requirements and US legal standards.

However, we were sensitive to the concerns raised by the public and within our committee about divisive opinions over animal research. We were reminded that NASA has been a leader in bioethics and a driver for raising the standards of biomedical research. Therefore, we strongly urge NASA to devise and implement a bioethics review policy for animal experimentation to include participation of a professional bioethicist. This group should begin its activities before Bion 12 is activated. We believe it is not morally justified to proceed otherwise. We challenge NASA to raise existing standards by this new policy and thereby continue leadership in the realm of bioethics.

I thank you for the honor to chair this group and on their behalf I thank you for the opportunity to serve.

Sincerely,

RONALD C. MERRELL, MD,
Lampman Professor and Chairman,
Department of Surgery.

BION TASK FORCE CHARTER

The charter of the BTF is to provide advice and recommendations to the NASA Administrator on whether NASA should continue to participate in the joint U.S.-French-Russian Bion Program. Specific activities will include the following:

(1) Review the integrity of the science plan for the mission;

(2) Assure that there are no alternative means for obtaining the information provided by these experiments; and

(3) Review the Bion Program for ethical and humane animal treatment during all phases of the mission.

Membership is comprised of distinguished individuals with expertise in medicine, biomedical research, ethics and the humane care and treatment of animals.

The BTF will report to the NASA Advisory Council (NAC), and will be staffed by the Office of Life and Microgravity Sciences and Applications.

The BTF is expected to submit its report with recommendations to the NAC in July 1996.

Mr. BOND. Mr. President, I do not think we need to say more about this. It is very clear that the scientific community says we need it. We can find out things on monkeys operating under the legal and ethical standards that we cannot find out when we send humans into space, and we are far better testing on monkeys under the ethical standards that are imposed what the impacts of weightlessness is.

I cannot understand all of the scientific jargon in the letters. But I can read the headlines. And the headlines from these letters are from the scientific community supported by the Association of American Universities, the Land-Grant Colleges, and the Association of American Medical Colleges which say that we need this information. Are we to substitute our scientific judgment for theirs? I happen to think personally that would be the height of arrogance to say that we know more about science than the professionals, the great leading scientific minds and institutions of higher education around the country.

That is why I hope, Mr. President, that an overwhelming bipartisan majority of this body will join me in rejecting the motion to table.

I yield the floor.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Thank you, Mr. President.

Mr. President, I would like to continue this debate by first thanking the Senator from New Hampshire. I am very pleased to be working jointly with him and several other Senators on this matter. I believe that is important to pursue matters legislatively when there is unusual agreement on both sides of the aisle. And in this case there is that agreement between many of us on both sides of the aisle that this program needs to be reevaluated. I want to add a little bit to what the Senator from New Hampshire has said.

My colleague from New Hampshire and I are moving to table the committee amendment which would strike language that passed the House as an amendment to the VA–HUD appropriations bill on June 26, 1996 by a vote of 244 to 171. The amendment was sponsored by Representatives ROEMER and GANSKE. The Senate Appropriations Committee, in preparing the VA-HUD bill for the floor, has recommended that this language be struck from the bill. The language would explicitly prohibit the National Aeronautics and Space Administration [NASA] from expending any funds on the Bion 11 and Bion 12 missions. I believe that the committee's amendment to strike this language should not prevail.

That is why the Senator from New Hampshire, I, and others will move to table. As I said, Mr. President, this move to save this money passed on a bipartisan basis in the House and in this body. It has the support of not only the Senator from New Hampshire and myself but also the Senator from Massachusetts [Mr. KERRY], the Senator from North Carolina [Mr. HELMS], the Senator from Arkansas [Mr. BUMPERS], and the Senator from New York [Mr. D'AMATO].

As the Senator from New Hampshire indicated, it would be pretty hard to come up with a more diverse group of Senators from a political point of view than that combination.

So what is this all about?

Under this program, NASA transfers money to Russia to launch the Bion 11 and Bion 12 capsules, and also funds United States researchers to be involved in designing the experiments and interpreting the results. The Bion Program gets its name from the small crewless Russian Bion satellite it uses to launch biological experiments into near-Earth orbits to study the physiological effects of space flight. Since 1973, Russia has launched 10 Bion satellites. The last was done with NASA participation for space flights of between 5 and 22 days.

In fiscal year 1993, $35.1 billion was appropriated to support this whole program. At present, $15.5 million remains in the Bion account for the next two flights.

So when the Senator from Missouri correctly points out that a little over $6 million will be involved in terms of this fiscal year, there is still more to come—and still more in my view and in the view of the Senator from New Hampshire to be wasted if we do not take the steps that we recommend today.

Bion 11 and Bion 12 are the last of these flight missions, scheduled to fly in October 1996 and July 1998 respectively with United States, French, and Russian participation. Two Russian-owned rhesus monkeys will fly on each of the missions, scheduled to last 14 days, to study the effects of microgravity on bone loss, muscle deterioration, and balance.

I oppose the committee amendment to strike the Roemer-Ganske language because I believe that these funds could be allocated for higher priority science at NASA or preferably for deficit reduction. I am also concerned that the scientific justification for the program is questionable and the results redundant, given that NASA has both previous Bion experiment data and significant human data on the effects of space flight. Since the Apollo missions humans have stayed in space for months at a time, and on July 16, 1996, Shannon Lucid set the U.S. record for the longest space flight aboard the space station *Mir* at 115 days, and as of last Friday has now spent 5 months orbiting the Earth. There is substantial information and data with regard to the humans involved, which is obviously our ultimate concern. In addition, Mr. President, the last *Columbia* shuttle mission, which lasted 17 days, included an experiment similar to those proposed for Bion and in that case was done on actual human astronauts.

The termination of expenditures on the Bion Program is supported by a coalition of taxpayer and animal welfare groups, not simply animal welfare groups. It includes Citizens Against Government Waste and Taxpayers for Common Cause, who have found a common ground on this issue and believe that the money can be saved from these missions.

Mr. President, the Bion Program, to quote, according to the February 1996 Bion 11/12 Science Assessment, is ''very important for future long-term manned space flights and life on a space station.''

Let me emphasize this statement. It says the Bion Program, and arguably NASA's entire life sciences program, exists to support the continuation of the pursuit of long-term manned space flight and the development of the space station.

That is really the context in which we should be evaluating Bion and NASA's continued participation in it. It is not simply a crusade of animal rights activists, as proponents would have you believe and as the Senator

from Missouri at least suggested in his remarks. There is much more involved for those of us who are concerned about waste in Government, and I think that includes everyone in this body.

Of course, there may be issues pertaining to humane treatment and the future of the Bion protocol, but for the Members of this body who do not support the space station for fiscal reasons—and there are a number of Senators, including myself—Bion is really an outgrowth of space station development and for that reason, as well, ought to be terminated for fiscal reasons.

For those who support manned space flight, I believe that the research which will be conducted on Bion 11 and 12, despite the Bion Program having cleared a fourth reevaluation of the experiments, is arguably duplicative. So it may well be something that standing alone can be argued to have merit, but if it is already adequately being done, it is still duplicative and it is still wasteful.

I say this despite the fact that individuals from two very well-respected research institutions in my State of Wisconsin, Marquette University and the Medical College of Wisconsin, have participated in the Bion Program and one of the individuals actually will be directly involved in interpreting data from Bion 11.

I ask those in this body who support manned space flight to ask themselves this question: Despite the scientific merit of the study design, will the termination of the Bion 11 and 12 flights keep the United States from sending astronauts into space if we cannot find the mechanisms behind bone calcium loss and the deterioration of muscles that help humans fight gravity and stand upright? The answer is obvious. It is resounding. It is an empirical no. This will not make the difference.

So the proponents of this program then make four primary arguments in support of the continuation of Bion. Let me just mention what their arguments are and respond briefly. First, they say the scientific and humane concerns are overblown and have been addressed.

Second, they say the Bion Program results are important for manned space flight.

Third, they say we are likely to get useful domestic byproducts from Bion research for osteoporosis and other disease sufferers.

Finally, they say with regard to the fiscal issues that the savings figures are not savings at all. I will try to address all of these, and of course some of this has already been addressed by the Senator from New Hampshire, but I want to add to it.

I think the strongest argument against the Bion missions is the question of whether or not the experiments are redundant, which, of course, speaks to their importance to manned space flight. That is a distinct question from whether or not the scientific study methods and the experiment design will produce legitimate and scientifically valid results.

Let me say a bit about them. Four of the rookie astronauts from the July 7, 1996, shuttle *Columbia* mission, which had a total crew of seven, participated both prior, during, and after the flight as, in effect, human guinea pigs in the study on the effect of human space travel on the body.

Within an hour of touchdown, as reported on July 8, 1996, by the Chicago Tribune, ''The four astronauts who had endured medical poking and prodding in orbit were in a clinic at Kennedy Space Center undergoing painful muscle biopsies and other tests. NASA wanted to examine the men before their bodies had adjusted to gravity.''

The Houston Chronicle also provided additional detail on the mission on July 8, 1996. NASA ''billed the mission as a preview of its operations aboard the U.S.-led international space station.''

Following landing, the Chronicle continues, ''The crew were ushered into medical facilities at Kennedy for evaluation of their muscle, skeletal and respiratory and balance systems. The test included biopsies of their calf muscles with large gauge needles and full body scans with a magnetic resonance imaging device.''

So the contention of the supporters of Bion has been that the Bion tests are too invasive to be done on humans and thus should be done on rhesus monkeys. As Charles Brady, a physician and one of the rookie astronauts, stated about the test as reported in the Orlando Sentinal on July 7, 1996: ''Having had to subject many patients to things I wouldn't rather do at the time, I think it is appropriate that I have to go through with it.''

Now, why do I provide all this detail on the recent *Columbia* mission experiments on astronauts? It is because NASA's real justification for the Bion experiments is not that they are collecting data from the rhesus monkeys they are not collecting from astronauts. They are. It is that they feel that the monkey studies will help them better interpret the changes in humans from the biopsy studies and the studies in the noninvasive tests they conducted on the *Columbia* astronauts. The astronauts' biopsies are limited in size, and allegedly the Bion monkeys could provide more samples from more muscles. The Bion monkeys will provide bone biopsies, to which astronauts would not submit, and the Bion monkeys' results will be compared with the astronauts' results.

Why do this? Because those involved in the experiments want to confirm that, indeed, the same changes occur in immobile rhesus monkeys that occur in reasonably active astronauts. What does this say in response to those who argue that these tests are not really that invasive and should proceed on rhesus monkeys.

But to return to the main point, Mr. President, this is research designed to confirm that what we know about the body, that what we know about the effect of space flight on the body is indeed what we already know. We already know it. And this apparently is just an attempt to spend some of our tax dollars to confirm it.

I am concerned about this, given the amount that has already been spent to collect the astronaut data. The Rocky Mountain News reported on June 21, 1996, that the *Columbia* shuttle astronaut study on the effect of space travel on the human body cost $138 million. And this expenditure on the rhesus monkeys procedures will simply add to that figure, I think that is unnecessarily, and would be redundant.

Let me return to the second issue. The second issue I want to address is the issue of humane treatment, because Senators will likely hear that the Bion experiment animal treatment protocol has been reviewed several times—most recently in early July 1996.

In April 1996 NASA Administrator Dan Goldin set up an independent panel, chaired by the head of surgery at Yale, Dr. Ronald Merrell, to review the care and treatment of the Bion monkeys, the fourth such review. But, as the Bion launch is scheduled for October 1996, and the panel could not meet until July 1, the surgical procedures to implant monitoring wires and the steel cranial caps on the monkeys went ahead in Kazakhstan in June at the Institute for Biomedical Problems in Moscow. NASA was then in the awkward position of agreeing to allow the Russians to proceed with the surgery even though it had not yet decided to support the mission.

What happened in the interim? The House agreed overwhelmingly on a bipartisan vote to prohibit the continued spending of NASA funds on Bion.

The independent panel met on July 1, 1996 and issued a letter the day after the meeting. The letter does say that the proposed science will ''likely yield meaningful results,'' the animal welfare proposal meets ''U.S. legal standards,'' and that rhesus monkeys are appropriate surrogate human animal subject for these types of experiments.

I am concerned the previous argument by the Senator from Missouri did not include in his verbal statement, although he may have included it in the RECORD, the rest of the story, if you will, the rest of the letter.

I am concerned by how the Merrell panel letter concludes:

> However, we were sensitive to the concerns raised by the public and within our committee about divisive opinions over animal research. . . . Therefore, we strongly urge NASA to devise and implement a bioethics review policy for animal experimentation to include participation of a professional bioethicist. This group should begin its activities before Bion 12 is activated. We believe it is not morally justified to proceed otherwise.

The conclusion of the Merrell panel has led some to believe that the panel really met just for show, and that the

pressure of having already implanted wires in the monkeys made the recommendations what they were. As the associate director for Life Sciences at the Ames Research Center was reported as having said in a July 12, 1996, Science article announcing the Merrell panel decision and reporting the House vote ''we have to turn this [House vote] around in the Senate.''

On July 23, 1996 I received a letter in support of the Bion project from the Americans for Medical Progress Educational Foundation. The letter makes several arguments on the need for continuation of Bion, most which I have previously described, but adds an additional one that I would like to share with colleagues—''the animal subjects in Bion are treated well and, upon return, will be retired in Russia and idolized as space heroes.'' I am sure the monkeys are very excited about that, but I am not certain that the authors realized how concerning and bizarre that statement sounds, particularly as a justification for spending $15 million over the next 2 fiscal years. Odder still, is that the statement has some basis in fact. NASA staff, in meeting with my staff, described that the chairs in which the monkeys are restrained are actually lined with bear fur, the same as the seats of the Russian cosmonauts. This is done because the Russian cosmonauts believe such seat covering is thought to be more comfortable.

Finally, I believe that question about whether the Russians might be able to financially support these missions without United States involvement is unclear. On May 24, 1996, in a Science magazine article on the Bion project, the director of biomedical and life sciences at NASA is quoted as saying ''if NASA were to pull out, Russia could proceed on its own. If they can afford to do it, they will. It's their animals and their capsule.'' The July 12, 1996, Science paints a different picture. Quoting the head of the Bion Program at the Institute for Biomedical Problems in Moscow, Science reports that he is concerned about the fate of Bion 12. ''Given Russia's cash strapped space program,'' he says, ''if any partner pulled out it would pose a serious problem.''

In the end, either situation concerns me and I think it concerns the Senator from New Hampshire and the rest of us who are working on this. I believe it confirms why colleagues should oppose the committee amendment and table it. If Russia can afford this experiment, then Russia should conduct it. If Russia can't support it, and the United States is funding the lion's share of the program, then we should not proceed with a program about which there are serious lingering concerns about humane treatment of the animal subjects as well as the necessity for the program. The Merrell panel specifically calls for an additional ethicist to be added to the research team, and I believe casts doubt on Bion 11. I can assure Senators that if we ignore the action of the House, we will be asked to terminate Bion 12 next year. Instead, I think we should act now to end our involvement and to reinstate the House-passed language.

Everyone knows the Federal budget has constant pressure from numerous competing needs, and NASA itself is facing significant pressures. For example, last Friday's—August 30, 1996—Washington Post reported that there is an ongoing dialog among top officials at Kennedy Space Center about significant civil service cuts that may number as many as 1,445 people with 547 layoffs at that site which now employs approximately 2,100 Federal workers. Given those kind of pressures, this project makes little sense. It cannot be fiscally justified.

I thank the Senator from New Hampshire and urge my colleagues to support the motion to table, which will have the effect of supporting the committee amendment and opposing spending additional dollars on the Bion Program.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, I rise in opposition to the amendment offered by my friends from New Hampshire and Wisconsin, and I want to speak in support of the Bion mission.

We are singling out a particular area of animal research because it happens to be on a space flight, I guess, because it happens to be up there a little bit above the atmosphere, going around, where we have a unique opportunity to do some of this research in the microgravity environment of near-Earth space. We are not talking about doing away with all animal research, as I understand it. Yet, we have hundreds and hundreds and hundreds of thousands of animal research projects with animals involved in medical research right here on Earth.

My distinguished colleague from New Hampshire said a while ago, why do we need these monkeys up there because we have some 38 years of human experience in space? We do have that kind of experience. But I also submit we have hundreds of thousands of years of human experience right here on Earth and we still find the need to do medical research here on Earth and use animals to do that medical research.

So, if we are just against medical research using animals, that is one thing. But to say that because we happen to be up here a little distance off the Earth's surface, we are now going to prohibit it up there, or to say the money spent, the comparatively small amount of money being spent on this is going to be cut out, I just think flies in the face of what our experience has been with animal research.

What am I talking about? Here on Earth we now have open heart operations. I am a frustrated doctor at heart. I started out wanting to be a doctor years ago. I got sidetracked by World War II. But when I was in Houston with the astronaut program down there, Mike DeBakey was a good friend of ours. I used to go in and watch him operate. Do you know what all those operations were prefaced on? They prefaced them on animal experiments. The heart operation, the valve replacements and the operations of heart replacement, all were done with animal experiments ahead of time.

We could go on and on. For all the drug tests that we have in this country—I do not mean drug tests to see if people are using drugs, I mean drugs that are antibiotics and so on that we use—we preface our human use by making experiments on animals. I am sure the whole medical community would be up in arms if we tried to knock all of that out.

We try out vaccines on animals. We try out bone research on things that will make bones knit together better. We do that in animal research. We do that in eye research, we did corneal transplants on animals—I believe it was rabbits, as I recall —before we did it on human beings. We did that because it is safer for people to have that kind of experiment.

We were concerned these experiments be done humanely, so we passed the Animal Welfare Act. It is the law that sets the standards of how we permit animal research to be done in this country, so it is done humanely. Those rules are basically the rules that we follow and also, as I understand it, the Russians follow, or are following now. I am the first to say some of the things we heard early on about the Bion project, I questioned about whether it was being done properly or not. But those things are corrected if they ever were true. They are being corrected and they are being monitored very, very closely.

The point is, these Bion flights represent an effective approach to conducting very important biomedical research. To knock this out just because the laboratory happens to be up here weightless, going around in microgravity up a little bit off the Earth's surface here, to knock it out because it is part of the space program and ignore all of the other hundreds of thousands of animal research projects going on, I do not think makes much sense.

Bion research is fundamental, peer-reviewed research at the center of NASA's program for exploring how the body changes in microgravity, and there are a lot of changes. NASA and Russia have cooperated on Bion missions for 20 years now. This is not something just starting up. We have been at this for a long time. The fact is, we have used the Bion spacecraft to produce major findings on space flight and health.

Mr. President, the amendment's proponents argue that the Bion missions are not necessary because we have already sent people in orbit and, therefore, we can study the effects of microgravity directly on people who have already flown. Obviously, we know people have survived space flight, but this

does not mean we know what happens in our bodies. We are still trying to find out what the basic changes in the body are that occur in microgravity that give us some of the results that we get. Just as researchers on the ground sometimes need to use animal models by the hundreds of thousands all over the country, researchers in space must use animals as well.

The plain fact is that for some types of research, animals are better subjects than people. For one thing, human astronauts are not genetically uniform. Compared to lab animals, there is a lot more natural variability in the human population from both environmental and genetic factors. With the small sample sizes and brief time periods inherent in most space flight opportunities, more reliable baselines for certain measurements can be obtained using lab animals.

Another benefit is that a lab animal's diet can be more easily controlled than an astronaut's. Astronauts up there for 14 days, 17 days, as the STS–78 mission, get a little cranky when you tell them they have to eat the same pellets for 14 days, or whatever it is you want the animals to eat to control its diet and dietary intake.

Given the fact lab animals fulfill a vital role in microgravity research, it is imperative that these animals be treated in a humane way, and I agree with that 100 percent. All people involved with the Bion Program should be held accountable for the animals' welfare, and they are. The animals' care and well-being is maintained before and during flight. Following the flight, the animals are returned to the Russian breeding colony, or another suitable habitat, where they are maintained humanely for the remainder of their natural lives. This program has been reviewed—I point this out very specifically—this program has been reviewed by independent experts who have concluded that it is legitimate science performed in a humane manner.

Several months back, Dr. Jane Goodall, who is famous for her primate experiences in Africa along Lake Tanganyika in Africa—she is known all over the world, and I have known her a number of years—contacted me about her concerns in this regard, about the Bion Program specifically. I relayed these concerns both by telephone and letter to NASA Administrator Dan Goldin, who established an independent task force to review the Bion project. I want to quote from a letter the task force wrote to the chairman of the NASA advisory council dated July 2, 1996. I think the letter was entered into the RECORD a little while ago by Senator BOND. The task force unanimously recommended the Bion project proceed with the following findings:

(1) The quality of science proposed . . . is excellent. It has been reviewed by peers in a very thorough and repeated manner and has withstood analysis for nearly a decade.

(2) There are no known alternative means to achieve the objectives of the proposal.

(3) The animal care and welfare proposals meet all requirements and—

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and U.S. legal standards.

In other words, the Bion project is being conducted under our Animal Welfare Act, under the same guidelines we have for our own research laboratories in this country.

In addition, the task force recommended NASA devise and implement a bioethics review concerning their policies for animal experimentation and that this review include participation by a professional bioethicist. Not only did Mr. Goldin accept this recommendation, but such a task force review is getting underway with not one but four bioethicists, in addition to other veterinarians and researchers.

Mr. President, NASA has made the space environment seem almost commonplace. It has been an amazingly successful program. We see videos of astronauts floating in the space shuttle, and it looks like a lot of fun, and it is. But along with that goes an awful lot of research. It is a tremendous amount of research. That is the only reason we have the program, is to do basic research, not to see whether we can go up there and get back now, but to do basic research in orbit.

It is easy to forget just what a foreign and challenging environment space is. Zero gravity is unique, not just in the history of human experience, but in the history of life itself. Few of us have been able to experience weightlessness, and we are the first people to have done that in the some 4.5-billion-year history of life on Earth. Nothing in our evolutionary history prepares us for being weightless.

But here is what we find after people are up there weightless for a period of time:

The bones begin to lose some of their mass. Calcium content comes out of the bones;

Muscles atrophy, they get less capable;

The body's system for maintaining balance begins to change;

Coordination is reduced;

The immune system becomes less effective;

Sleep patterns and the body's natural clock are affected. And that is just for starters.

Some of my colleagues may find this list has a very, very familiar ring to it, and I talked about this in more detail on the floor yesterday. I know it has a familiar ring to me. It is not because I have been in orbit, but because reduced muscle mass, bones becoming more fragile, deteriorated balance and coordination, reduced immune efficiency and sleep disturbances are changes that occur with the normal aging process here on Earth, as well as what happens on a space flight.

What are the mechanisms for these changes? Are the same mechanisms in play among the aging on Earth and the astronauts in orbit? Would an older astronaut experience slower or faster deconditioning on orbit? Are these changes reversible in space by some artificial means or here on Earth for those of our elderly citizens, some 44 million, almost, above the age of 60, as I pointed out yesterday? If so, then how do we make these changes reversible for benefit right here on Earth?

We do not know the answers to these questions, and that is the challenge. But, Mr. President, that is also the opportunity and that is why the Bion missions are so important, because when we identify the underlying mechanisms by which the body adapts to space, we may also identify much, much more.

What if this research leads to new insights on how to treat osteoporosis? Not only would that make the lives of thousands of elderly people more enjoyable, it would save countless millions of dollars in health care costs.

A better understanding of balance and vestibular changes in the elderly could help prevent falls and avoid debilitating injuries for elderly people. That is another area.

The immune system changes. Think what happens if we can just figure out what the common ground is between what happens to people in space over a lengthy period of time as the immune system goes downhill, becomes less effective and in the elderly here on Earth whose immune systems normally with old age become less effective. If we could find out by comparing back and forth what causes that kind of a mechanism, can we trigger it off artificially, is this a new approach to AIDS, is it something we can learn here that is a new approach to cancer?

We do not know, but that is the purpose of research, to find out exactly some of those answers that are of benefit not only in space but will have direct application to people's lives right here on Earth.

I am not trying to say that the Bion missions are the key to the fountain of youth. Far from it. But it is basic research on processes analogous to aging that can only be performed on orbit, and we don't know where it will lead. But if there is one thing we know from our whole U.S. experience in supporting basic research throughout our history, it is that money spent in this area normally has a way of paying off beyond anything we normally see at the outset.

I think we owe it to our children and to our grandchildren to find the answers as best we can to some of these things and the opportunity we have to do that.

Mr. President, my colleagues have heard me speak in detail about the value of basic research and how we do not always know what benefits will come from such research. But let me just talk very briefly about some of the benefits and technology spinoffs that have come out of the Bion Program to date.

Doctors at the University of California at San Francisco are using the biosensors and telemetry technology developed for the Bion Program to monitor the condition of fetuses with life threatening conditions. For some congenital medical conditions, doctors can more safely and effectively operate on fetuses in the womb. Such surgery was much riskier before this sensor technology was available.

A computerized video system developed to test the behavioral performance of Bion monkeys is now being used to teach learning disabled children.

A device to noninvasively test bone strength was proven effective in Bion monkeys and is now commercially available to assess the condition of human patients suffering osteoporosis and other bone diseases.

While conducting ground-based research in preparation for a Bion mission, Dr. Danny Riley of the Medical College of Wisconsin discovered a staining technique that surgeons can use to more accurately reconnect the peripheral nerves in severed limbs. And this discovery did not involve any amputation of animals' limbs to do that research. In the past, the only markers surgeons have had for accurately rejoining the peripheral nerves have been the positions and size of the nerve axons. Dr. Riley discovered a staining technique that stains sensory axons but not motor axons. Not only is this a boost for neurological research, but it will improve the successful prospects for reattaching limbs that have been severed.

Mr. President, to conclude—I gave a more lengthy statement yesterday in detail of some of these areas—but to conclude, Bion research is important. It is thoroughly reviewed research. It is conducted humanely. It presents a real opportunity for new insights into the human body every bit as much as medical research right here on the surface of the Earth.

We have a new environment up here. It is the microgravity of space flight. It offers a whole new opportunity to do animal research ahead of the human beings perhaps doing the same thing later on. As I said, initially we do those same things right here on Earth with regard to all sorts of experiments that have led to heart operations, drug tests, new vaccines, bone research, eye research, and so on, that we do here on Earth. And I see no reason whatsoever why we should knock this out when it is a very, very valuable program.

So, Mr. President, I hope that we will defeat this amendment and I hope our colleagues will see the wisdom of going in that direction also. I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. BURNS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Mr. President, I rise today to oppose the Smith motion. A while ago, the chairman of this subcommittee on appropriations said that we run into a lot of things in this business, and especially here on the floor of the U.S. Senate, that we do not quite understand. I chair the Subcommittee on Science, Technology and, of course, Space, and NASA. That is the committee that provides the authorization for NASA.

So I state my support for the Bion Program and, of course, this appropriations here which rejects the House language that prohibits the funding of the Bion 11 and 12 missions. In science and technology we run into a lot of things that we do not quite understand because I do not think there are very many of us on this floor that are scientists.

The Bion Program is an important cooperative space venture between the United States, Russian, and French space agencies for international biomedical research using Russian-provided support systems, their spacecraft, payload and, of course, the rhesus monkeys. It is a cost-effective program. It is based on sound science. It has been peer-reviewed, I think, four times. I could be wrong, but I think four times. And every time they have come away with the recommendation that the research should move forward.

Some of the results are likely to provide insights into understanding complex physiological processes which occur during the normal aging process or are involved in Earth-based diseases such as anemia, osteoporosis, muscular atrophy and the immune system dysfunction.

In Billings, MT, the Deaconess Research Institute there has the largest data base on osteoporosis in women that there is in the country. Because of a stable population in my town of Billings, MT, they have been able to move forward on a lot of this research. But the research that is done in space becomes evermore important. Indeed, the first 10 missions of the Bion Program have already benefited our lives through technological spinoffs, such as the development of devices to monitor human fetuses following life-saving surgery and to noninvasively test bone strength in patients suffering from bone diseases. These benefits to our health and well-being are an addition to the knowledge gained to help NASA protect the health and safety of our space travelers.

Yes, there are those who would like to scrap the space program altogether. I am not one of those. I am saying that this society, this American society, in fact the unique American is a person that is always reaching out, going into the unknown, exploring the unknown. When we quit doing that, then we lose a part of ourselves.

Basically, I have a hunch that this amendment is not really about NASA. It is an anti-animal research amendment. The animal welfare groups have targeted the Bion project for elimination. They claim that research is not necessary and it is inhumane and it wastes the taxpayers' money. And all of that could not be further from the truth.

Animal welfare groups are waging an all-out campaign against the program simply because four Russian rhesus monkeys are scheduled to be used in the Bion 11 and 12 missions. Because of this continued pressure, the Bion Program has been continuously scrutinized and it has been continuously peer-reviewed. The experiments were peer-reviewed in 1988, 1992, and again in 1993.

In December 1995 the Administrator of NASA, Daniel Goldin, again requested an external panel of scientists to review the research. And the 12-person panel of independent experts strongly recommended that NASA proceed with the remaining Bion missions. As in the previous reviews, their findings reconfirmed the importance of the program and its scientific merit. The panel concluded that the science is excellent; rhesus monkeys are the appropriate species to address the scientific objectives; and there are no alternative means for obtaining the essential information that will be gained from this research.

So the Bion Program is being debated here because the most radical animal rights activists have elevated their own agenda above the interests of good science and, further, above the lives of human beings.

I think this amendment, if it is passed, will have very serious repercussions on other Federal agencies. I think these agencies include the National Science Foundation, the National Institutes of Health, the Department of Energy, the Department of Defense, and the Veterans' Administration. Their support for research in the biomedical and life sciences can also be jeopardized by the outcome of this vote today. There is a well-established scientific process leading to awards of Federal support. Being chairman of that committee, we deal with this every day. The proposed experiments undergo peer review by experts, and this includes the review of the use and care of animals that are used in research programs. So this is nothing new to the authorizing committee that I chair.

This amendment contradicts existing Federal policies, contradicts the procedures for scientific peer review and laboratory animal welfare that has already been put in place by Congress. It sends a message that Members of Congress, not scientists, are the best judge of the quality of the science projects. I, therefore, challenge any Members of this body, as certain projects come before us, especially in the area of research science and science development, that if everybody is an expert on everything that we talked about and allocated money to do research for, I would really be surprised. But we do have a peer review system, and, thus, if the passage of this amendment were successful, it would undermine the

whole foundation that has been assumed on scientific research.

Animal research plays an integral part in all of our lives. It has been said that without animal research, most, if not all, of the medical advances in the last century might never have occurred. For example, we could still have polio, and today nearly 38 million Americans would be at risk of death from a heart attack, stroke, kidney failure, for the lack of medication to control their high blood pressure. I could go on and on. I am getting more of an education in that field all the time. I happen to be a very proud father of a doctor who graduates medical school next spring. So I have a feeling that my education is going to continue until they put me in the ground, so to speak.

The antianimal research amendment forces NASA to withdraw from a signed contract with the other nations—Russia and France. It derails scientific peer review and thwarts the Animal Welfare Act. Is this the message, I ask this body, that we want to send? Allowing a single interest group that totally opposes animal research to dictate NASA's or other Government agencies' research goals cannot be tolerated. I have seen these groups work. Sometimes they have a less-than-candid view of what has to happen as far as science and technology is all about just to further their own cause.

So, Mr. President, the Bion Program is worthy. The amendment is not truly about the merits of research or the costs, because the costs are nothing. What it is about is the welfare of animals being used for research. I support appropriate procedures to protect the safety and well-being of animals, but this amendment is simply inappropriate.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. BENNETT addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Ms. MIKULSKI. Will the Senator withhold for a second?

Mr. BENNETT. Yes, I am pleased to.

Ms. MIKULSKI. Mr. President, I bring to the Presiding Officer's attention, and to my colleagues' in the Senate, I believe we are moving at a good pace in this debate. I see on the floor our colleague from Tennessee, Dr. FRIST, who wants to speak on this. I do, as well. I encourage anybody else who wishes to speak, to please come to the floor so we can move to concluding this debate before the respective caucus. I think this has been an outstanding discussion.

Mr. BOND. I thank my colleague from Maryland for pointing that out. I hope if there are others—particularly proponents of the motion to strike—they will come down by the time the Senator from Maryland is prepared to talk. I have asked her if she will conclude comments on this side. I think that the Senator from New Hampshire wants to close and then make the tabling motion. But I sincerely hope that we can wrap this up by noon. The Senator from South Carolina would like to speak for 3 minutes on this measure. I hope we can conclude this debate by noon, or at least by 12:30, and then have the tabling motion. We will discuss with the leadership when that vote will occur.

Ms. MIKULSKI. Yes, because, as I understand it, when the motion to table is made, isn't the vote immediate?

The PRESIDING OFFICER. We are in a nondebatable posture at that point, that is correct.

Ms. MIKULSKI. Must the vote occur immediately, or could it be delayed after the party conferences?

The PRESIDING OFFICER. Unless the Members would seek a unanimous consent agreement to schedule it for a different time.

Ms. MIKULSKI. While the Senator from Utah is speaking, perhaps we can talk with the leaders about how they wish to handle the vote. I believe the Democratic leader wishes it to be after the conference.

Mr. BOND. I thank the Senator from Maryland. I will defer to our leadership. I understand from the Senator from New Hampshire that there are no further speakers on his side. So we will hear from the speakers who are now lined up to speak in opposition to that tabling motion. Then we will, after they have spoken, ask the Senator from New Hampshire to proceed and make the tabling motion, perhaps, with a unanimous consent request that the vote be postponed until a time certain.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. BENNETT. Mr. President, I was particularly enlightened by the comments of the Senator from Ohio, who has a unique perspective on this particular issue. As I have noted here before, I come as the successor to Senator Jake Garn, who also has a unique perspective on this issue, and who, if he were still in the Senate, would be speaking out very strongly in favor of the committee position.

We are talking about America's space effort, America's interest in exploring in space, and we made the decision, as a country, to put humans into space for a prolonged period of time at some point in the future. It makes no sense to fund a program and put humans into space and not to do the research necessary to understand what will happen to humans when they get there. That is essentially what the motion to table would do. It would say, yes, we will go ahead and fund the programs to put humans in space, but we will not fund the research to find out what will happen to them.

We are told that we already know what will happen, that humans have stayed in space for 439 days. It is true that on the basis of that, we know what happens. They experience loss of bone mass and muscle deterioration, and brain and motor functioning is different. We know that space affects the spinal cord and bones, muscles and immune system, as well as the brain. But what we don't know is whether these effects are long-term, and whether the bone and muscle loss is permanent. We don't know that. Can the deterioration be counteracted in space? We don't know that. What else occurs that might not have occurred in 400 days that might occur for a longer period of time? We don't know that.

We have an opportunity to find out by using animal experiments in space. Science doesn't tell us where the answers are. As we look at the great breakthroughs in science, they have come, sometimes, with hard research. They have sometimes come by complete chance, as people are looking for one thing and stumble across something else. But we do know that they never come if the research is not conducted and if people do not make an attempt to find out these answers.

I won't repeat all of the arguments that have been made on the floor, because I think they have been very cogent. I do agree that the Senate is not the appropriate place to try to micromanage a scientific project when, in fact, it has been subjected to the amount of peer review and overall management guidance that this particular program has.

The Senator from Ohio has quoted Dr. Ronald Merrell, the chairman of surgery from Yale, who is the scientist who has written to the NASA advisory council. I urge my colleagues to refer to those quotes. I would like to add just a few more to those which we have already seen. From the American Physiological Society, I have a letter that says:

> The research is scientifically necessary, important to NASA's mission, and should be allowed to proceed.
>
> The Bion research is intended to expand what we know about how space flight affects muscles, bones, balance, and performance. While human beings have spent long periods of time in space, it has not been possible to fully document the changes to their bodies. In part that is because for their own comfort and protection, astronauts take medications to counteract space sickness and do intensive exercise to overcome the harmful wasting effects of prolonged weightlessness. These countermeasures make it hard to determine exactly what is happening to their bodies. The Bion 11 and 12 experiments are intended to fill gaps in our knowledge so that we can find better ways to counteract the effects of weightlessness on the body.

I found that interesting. I remember talking with our former colleague, Senator Garn, about the problems that he had both preparing for his space flight and some of the space sickness experiences he had while he was there. He took the countermeasures to which the letter that I quoted refers, and he was able to function properly. But that is something that had not occurred to me until this letter came in as a reason why we need to proceed with the animal research.

From the American Society for Gravitational and Space Biology, I offer the following:

To kill this program just as mankind embarks on permanent presence in space would be a serious mistake.

From the Association of American Universities, the National Association of State Universities and Land-Grant Colleges, and the Association of American Medical Colleges, I have this quote:

We are concerned about the precedent this amendment sets in terminating research that has been peer reviewed and approved on the basis of scientific merits.

That is another interesting thought where the Congress has authorized science to go forward. The science has been peer reviewed. It has been declared to be appropriate. Then for the Congress to come in and say, no, we do not like your peer reviews, we are not going to pay any attention to the scientists, we are going to override it, is, indeed, a bad precedent for us to set.

Finally, from the Americans for Medical Progress Educational Foundation, this quote:

Bion makes sense.

(1) Scientifically it will yield critical knowledge of the effects of space travel on human physiology. This knowledge is essential for the safety of current and future space travelers;

(2) Financially, $14 million of the total $33 million has already been spent. To halt in midstride would mean that all of that money was wasted. More to the point, Russia has funded the vast majority of the costs of all of these projects. If the United States was to attempt to garner this data on its own, the costs could exceed $.5 billion.

In summary then, Mr. President, I am a supporter of the space program. I believe we should move ahead with our attempt to discover and explore in this final frontier. I do not believe that we should prepare the space program to send humans up into space without doing all of the appropriate research that we possibly can on the impact on human physiology of space travel. This program is the most intelligent, the most carefully charted, and the most financially responsible way for us to gather that data.

For those reasons I support the committee's position.

I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. FRIST addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. FRIST. Thank you, Mr. President.

Mr. President, I rise in opposition to the tabling motion and in support of the Bion research project.

My perspective is a bit different than many of the people that you have heard from today in that we have talked this morning and debated this morning about animal research, about the use of various animals, notably monkeys and primates in research.

I stand before you as one who has seen through my own picture window as a heart and lung transplant surgeon, as a heart specialist, as a lung specialist, as someone who spent the last 20 years of his life in the field of medicine, as one who has been a beneficiary of that research and seen the great benefits to mankind, to people throughout the world.

My perspective is one of a scientist who has written over 100 papers that have been peer reviewed. I would like to come through the peer-review process because I think it is not only critical to the way we address this fairly complex issue but one which I think the peer-review process and the importance it places on our review will go a long way to keep us, Members of Congress, from micromanaging the scientific process today.

About 2 months ago I was in Tennessee, and someone came up to me and handed me a picture of a young 6-year-old boy. I did not recognize the boy, to be honest. But the two proud grandparents, I found out later, handed me the picture and were a little surprised I did not recognize him. But I did not recognize him because I had not seen him in 6 years. He was 6 years old. At 3 weeks of age I had done a heart transplant on that young boy when he was, I think, 20 or 21 days of age. Now he is alive today playing baseball and in the first grade. I talked to his parents actually just a couple of weeks ago.

The research which allowed me to take the 5-week-old heart and put it in a 3-week-old individual that has allowed this little boy to be alive today came out of operations on monkeys, rhesus monkeys, and, yes, as a U.S. Senator I can tell you that I have operated on rhesus monkeys. I have done it in a humane way, and those were treated just like other patients—were given anesthesia and were protected. Safeguards were in place. But that little boy is alive today because I learned that procedure and helped to figure out that procedure based on operating on monkeys about 8 years ago.

I can't help but think of a 60-year-old man today who I did a heart transplant on about probably 6 years ago who was kept alive for about 32 days with an artificial heart. That artificial heart I had learned to implant and figured out the details of in animal research spending day after day operating and placing that device in animals before placing it into a human being who is alive today because of the technology and because of the scientific advances that were made because of animal research.

I can't help but think about 1986 when I was engaged very directly in primate research doing heart-hung transplants on monkeys. Just 12 months after doing those heart-lung transplants on monkeys in a humane way, I was able to transplant in a 21-year-old woman who had in-stage heart and lung disease, who underwent the first successful heart-lung transplant in the Southeast back in 1985.

So you can see that I stand before you as someone who has had very direct experience in the benefits of this type of research. I say all of that because a lot of the rhetoric that has sprung around today of monkeys in space and getting monkeys off the taxpayers' backs we really need to put aside and engage this in a very serious and scientific way because this scientific research, I think, can be critical to the safety of human beings both in space but also ultimately in this country.

Much has been said in terms of the peer-review process. Let me tell you as a scientist, as someone who has operated on monkeys, as someone who has taken that research to the human arena, I cannot stand before this body and before the American people and say that I, BILL FRIST, a physician with about 16 years of medical training, can evaluate this specific research. So what do I do? I turn to my peers who are experts, who five times in the past through a peer-review process have looked at these specific projects and said that this is sound research, that this is important research, important research that needs to be carried out in this environment and elsewhere.

We have to be very careful, I think, in this body before engaging in the micromanagement of the type of research that goes on in this country, or that will go on. The temptation is going to always be, I think, to rely upon what feels best to us as legislators, or to people who come before us. I think we have to be very careful, in setting national priorities, to rely upon the medical community, to rely upon the scientific community through that peer-review process.

In that regard, much has been made already this morning of the fact that the Bion experiments have been peer reviewed five times for scientific merit. We have already talked about that. In December 1995 an expert panel of scientists—the Bion Sience Assessment Panel—conducted a review of the science which encompasses the United States and French portions of the experiments. We know that the Bion assessment panel—this was mentioned by the Senator from Wisconsin—recommended certain procedural improvements in program management that overall the panel has commended since as meritorious and recommended that the Bion 11 and 12 missions proceed.

In addition to this 1995 review, we had reviews of outside committees in 1988 and 1992 and 1993. In 1988, a panel convened by the American Institute of Biological Sciences reviewed and determined the scientific merit of the experimental proposal submitted in response to a NASA research announcement.

In March 1992, a second independent review of the integrated United States-French set of flight experiments was conducted to assess continued relevance of rhesus experiments, and again they recommended that the rhesus project should continue. And in July 1993, an independent science critical design review gave the rhesus

project the authority to proceed with the transition to payload development.

I did receive a letter from the Association of American Medical Colleges which most people know represents over 120 accredited U.S. medical schools, represents some 400 major teaching hospitals, represents 74 Veterans' Administration medical centers, 86 academic and professional societies representing 87,000 faculty members and the Nation's 67,000 medical students and 102,000 medical and surgical and other medical specialty residents.

This letter basically says that ''the AAMC is deeply concerned about the precedent the House action sets in terminating research that has been reviewed and approved on the basis of scientific merit. The Bion Project has undergone repeated external expert review.''

They close by saying that the AAMC, that is, the Association of American Medical Colleges, ''strongly supports the use of merit review to determine how limited Federal funds may most productively be spent for scientific research.''

Again, a letter that has been quoted already this morning, from the president of the Association of American Universities, from the president of the National Association of State Universities and Land Grant Colleges, and from the president of the Association of American Medical Colleges reads: ''The Bion missions have been peer reviewed and approved by five independent panels over the past 8 years. The most recent panel found that the quality of science proposed is very high.''

And let me underline this following part, that ''there are no known alternative means to achieve the objectives'' and that ''the animal care and welfare proposals meet all requirements of United States legal standards.''

In closing, as I step back again as someone who has seen the benefits of science in primate research, as someone who has some experience with the peer review process, I would like to caution my fellow Members that we must be very careful in micromanaging biomedical research. That is why we have a peer review process, and that is why it works so well. So let us let that process work.

I do hope my colleagues will support the continuation of the Bion Program for these reasons and resist that temptation to micromanage research which has also met the criteria of numerous peer reviews.

I thank the Chair.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. THURMOND. Will the Senator yield me 3 minutes?

Ms. MIKULSKI. Absolutely.

Mr. THURMOND. I wish to thank the able Senator.

I rise today in support of H.R. 3666, the fiscal year 1997 appropriations bill for the Department of the Veterans Affairs, Housing and Urban Development, and independent agencies. This is a broad measure which provides appropriations for a variety of programs. It funds veterans, public and assisted housing, environmental protection, NASA, the Federal Emergency Management Agency, and other programs. I commend the managers of this bill for their balanced approach in funding the many Government functions contained in this bill.

Mr. President, let me note a few of the highlights of this bill. This bill reflects the intent of Congress of keeping Government costs under control. The total appropriation, $84.7 billion, is only a slight increase over last year's funding. However, it is $2.8 billion less than the President requested. Reductions to the President's request are primarily in administrative costs. In most program areas, for actual benefits, funding in this bill is above the President's request.

I particularly support the committee's funding proposal for veterans programs. This bill provides $39 billion for veterans, which is an increase over last year's funding and above the President's request. These funds will adequately provide for veterans' compensation and pensions, medical care, and construction projects related to outpatient care, medical research, and veterans' cemeteries.

As a member of the Committee on Veterans' Affairs and as chairman of the Committee on Armed Services, my commitment to the veterans of our armed services remains strong.

I have stated many times that the highest obligation of American citizenship is to defend this country in time of need. In return, this grateful Nation must care for those who are in any way disabled because of their patriotic duty in our Armed Forces. I believe the funding levels in this bill will provide the resources for the Government to meet its obligations to our Nation's veterans.

Again, I congratulate the managers of this bill for the support of our veterans. I yield the floor. I thank the Senator.

Ms. MIKULSKI. I thank the Senator.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Ms. MIKULSKI. I thank the Chair.

I think we are about to move to the conclusion of this debate, and I think it has been an excellent debate. I think proponents of terminating the Bion Project are, indeed, well-intentioned people in the Senate, the Senator from Wisconsin, and the Senator from New Hampshire, and I think their sensitivity and concern about the sanctity of life should be acknowledged. It is exactly because of our concern about human life that many of us who are proponents of science and technology support well-regulated, well-monitored, well-thought-through and necessary animal research.

The issue of animal research is not new to this Senator. As a Senator from Maryland, I not only have the honor of representing one of the primary space centers in the United States, Goddard, but I also represent the National Institutes of Health as well as Johns Hopkins University and the University of Maryland, all of which engage in very strong scientific research and, in many instances, do use animal testing in their protocols.

So as someone who believes that we need to have scientific breakthroughs to save lives, whether it is at NASA or NIH, I do believe we do need to have animal research in life science projects.

I am not alone in that view. We have heard from a Senator-astronaut, Senator GLENN, from Ohio, who, as we know, was the first astronaut-Senator to orbit the Earth, and I think Senator GLENN is alive today because the first lives to go into orbit were monkeys and we knew how to deal with gravity, how to deal with oxygen, how to make sure that we could launch him and bring him back safely. We heard from the distinguished Senator from Tennessee, Dr. BILL FRIST, a medical doctor, again talking about the compelling nature of doing animal research in order to be able to save human lives.

Much has been said about this project, and I would like to use this opportunity to engage in a factual conversation.

Just to go over some of the facts, I would like to bring to my colleagues' attention that Bion 11 and Bion 12 are two cooperative United States, Russian, and French space flights and they are scheduled to go up October 1996 and July 1998 using Russian Bion biosatellites. Now, Bion spacecraft are satellites that do not have crews on them, so this will be unmanned. They were developed by the Russians, and they fly biological experiments with, yes, primates—rodents, insects, and plants—in near Earth orbit.

In very general terms, the major objectives of these biosatellite investigations are to study the effects of low gravity and space radiation environment on the structure and function of individual physiological systems and the body as a whole.

Understand, this is not the space shuttle with monkeys on it or rodents or insects or plants. These are 8 feet in diameter. They carry a 2,000-pound payload. We have had about 10 of these since 1973. What we are talking about here are 10 monkeys that were on previous Bion missions that were recovered. In the Bion protocols the monkeys are actually recovered. Also, Bion protocols do not include the sacrifice of monkeys. So we are not talking about ghoulish, Kafka, grim practices here. We are talking about research, done on mammals, that has been adequately scrutinized for protecting the animals.

First, the experiments have been peer reviewed four times for their merit. So, no, these are not just idle experiments. They have been reviewed on many occasions for their scientific merit. The

whole point of their scientific merit was to ensure we were getting a dollar's worth of research for a dollar's worth of taxpayer dollars. And, was there another way to do this research on Earth? The answer came back resoundingly that this was valid scientific research and it was worth the money and it was worth the effort.

These protocols are evaluated and monitored for humane treatment of animals. Prior to the external peer review by a group called the AIBS, a scientific group, there was a prerequisite for funding in which the proposals needed to be reviewed by the sponsoring institution's internal animal care and use committee. This is in accordance with the Animal Welfare Act, that every institution that conducts research with Federal funds must have an animal care and use committee, it must include a veterinarian, a scientist, an ethicist, and so on. So, again, it was not ''let's put a bunch of monkeys or rodents in space and put electrodes on them and see what happens.'' All of the scientific protocols were used to ensure the Animal Welfare Act was honored and was practiced on this project.

I knew there would be reservation because this was done by the Russians. We are not in the cold war, so that is not the issue. But, frankly, one of the characteristics of the Russian space agency was the astronauts were known for their incredible bravery. It was an endurance contest. Often, their work focused on endurance test research.

What ours is, though, is more about how we can protect astronauts in space, but also learning from life science projects that would study these biological effects that would protect people here on Earth.

What I am told is that NASA is gathering data on bone mass, muscles, bone structure, healing in space, osteoporosis—something of tremendous interest to me—and so on. This research is leading to enormous medical advances. This benefits you and I and other Americans. We hope to save young children because of Bion research. We are helping to protect women from debilitating bone disease, particularly osteoporosis.

Let me share a few examples. The Bion Project has enabled scientists to study the cause, treatment, and prevention of spinal cord injuries in space by using this primate research. The Bion Project has also produced data on fluid and electrolyte balance. This has tremendous impact on research for people with kidney problems on kidney dialysis. Often, people get sick not only because their kidneys are in failure but because of the failure to maintain an electrolyte balance. It has also looked at the generation of new blood cells and the whole issue of immunology. It is related to cancer research.

We could give many examples of this. One of the things I think has also been very important is, because of the technology to monitor the primates, we have also been able to improve other monitoring systems—for example, on fetal health, which I know is of great interest to many of our colleagues. The 8 joint Bion missions to date have produced access to space for 100 U.S. experiments, 90 peer review journals, and has accounted for one-half of all the life science flight experiments accomplished with nonhumans. According to NASA, similar unmanned satellite programs developed by NASA alone, without Russian support, would cost 20 to 30 times as much.

It is not our job to review the project for scientific merit. In fact, that has been established. It has been reviewed four times for that merit. I believe we need to ensure the ongoing part in this.

Ames Research Center has an excellent animal care program, as demonstrated by its full accreditation by the Association for the Assessment and Accreditation of Laboratory Animal Care International. This is a nonprofit organization that reviews animal research around the facilities to make sure they are fit for duty and humane in their operation.

So I think this project is of merit. I think we should continue it. I do not think we should cancel it.

Earlier in the conversation, someone talked about the OSTP, the President's Office of Science and Technology. They also do support the project. I have a letter here from Dr. Gibbons stating that. I ask unanimous consent that be printed in the RECORD.

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

THE WHITE HOUSE,
Washington, DC, July 25, 1996.

Memorandum for Dan Goldin, Administrator, NASA.

From: John H. Gibbons, Assistant to the President for Science and Technology.

Subject: BION Task Force Recommendations.

Thank you for transmitting to me the recommendations from the BION Task Force of the NASA Advisory Council. I was pleased that you decided to form the Task Force to provide you with independent and expert advice on the program. Their recommendations are clear and confirm earlier findings by other groups charged to review BION missions 11 and 12. The scientific merit of the proposed research, as determined by rigorous peer review, was judged as excellent and important to the future of manned space flight. Furthermore, it is noteworthy that the review panel observed that there is no known alternative means to achieve the objectives of the program. I also was pleased to learn that the animal care and welfare proposals for the Rhesus monkeys meet U.S. legal standards. Finally, I am sympathetic with the Task Force's compliments to NASA for its leadership in bioethics and their encouragement for NASA to expeditiously implement a bioethics review policy, thereby continuing its leadership in this important arena.

Ms. MIKULSKI. It said:

I was . . . pleased to learn that animal care and welfare proposals . . . meet U.S. legal standards . . . and the [NASA] task force compliments . . . its leadership in bioethics [as well as its scientific merit].

So, when you hear from the Senator from Ohio, the Senator from Tennessee, the scientific community, I think the evidence speaks for itself.

I know the Senator from New Hampshire wishes to conclude the debate on this, and that is his right. We respect that. I just ask unanimous consent that, when the Senator makes his tabling motion, the vote occur at 2:15.

I will reel that right back in. Senator BOND and I were trying to expedite the vote. It is just a clarification of the time. Many of our colleagues on both sides of the aisle are flying back in. They may be delayed until afternoon, and I know they want to have their voices heard on this most important amendment.

The PRESIDING OFFICER. Who seeks recognition? The Senator from New Hampshire is recognized.

Mr. SMITH. Mr. President, this debate, on the part of those who are defending the project, I must say, has been very skillfully conducted. Frankly, someone who was paying maybe just a little attention to this and not to all of the detail would probably agree with them. It is unfortunate the debates and facts get twisted on the floor of the Senate as they do.

This basically now is coming down to being an anti-NASA vote, which it is not. I have made a very strong point earlier in my comments about my strong support for NASA.

It does not take one dime from NASA. It allows NASA to reprogram the money into areas that I believe and I think NASA would probably agree are more important.

It is also coming down as being total opposition to any and all research that has ever been done on animals in the name of helping human beings. That is not the issue either.

The issue is very simply this: Do you continue to do research after you have gotten the facts? Do you continue to do research over and over and over again for no reason?

No one has presented any good reason for this project. There have been some general statements made about research by some very sophisticated people who I certainly respect, such as the Senator from Tennessee. That is not the issue. Once you develop a vaccine or once you develop something that cures a disease, do you continue to do the same research on the same vaccine over and over and over again once you have found out what it does? If you vaccinate your child against smallpox, do you continue to vaccinate over and over and over and over and over again, or is there some limit? That is the issue. Do you want to continue to waste $15.5 million on research which is duplicative or don't you? That is the issue.

The Senator from Maryland said a few moments ago, ''It's not our job to review this project, or any project, for scientific merit,'' referring to this project. ''It's not our job to review this project for scientific merit.''

I ask my colleagues, if it is not our job, since this bill is before us, whose

job is it? Whose job is it? The White House said, ''We don't need this project.'' In essence, that was the conclusion they drew. The Administrator of NASA, in a memo that cites him, basically agrees that we do not need it. The House of Representatives has voted overwhelmingly, 244 to 170-something that we do not need it. So if it is not our job to review it, why is it here? Why is it in this bill? Whose job is it to review?

When we take that attitude, that is one of the reasons why we have a $5 trillion debt, Mr. President, because no one wants to take the time to review these projects, and the truth of the matter is, we have oversight responsibility in this body, and I take it very seriously. So we should review it. We should review everything. We do not review enough. If we reviewed more, we would find a lot more waste.

There has been a lot of testimony from people who are experts, and some who pretend to be experts, in this debate. Let me cite a couple, because I think it is important to get some balance here.

Sharon Vanderlipp is a veterinarian. She writes a letter to me in which she says:

As former chief of veterinary services for NASA Ames Research Center—

That is where this work is done; that is who supervises this project.

As former chief of veterinary services for NASA Ames Research Center, and as a veterinarian with more than 15 years experience in the specialty of laboratory animal medicine—

I hardly would consider her an animal rights activist, I think we could draw that conclusion fairly safely. She spent 15 years in laboratory animal medicine—

I am writing to request your support of Smith-Feingold regarding the Bion experiments. I support animal-related research when there are no other research alternatives and when the derived benefits justify the loss of animals lives and monetary expenditure.

This is not the case in the Bion project.

It is the charge of the U.S. Senate to represent the will of the constituency in determining how their tax dollars will best serve them. There is still time to salvage this $15 million.

During my service at NASA Ames Research Center, July 1993 until my resignation in March of 1994, a review of the medical records of the nonhuman primates indicated NASA's failure to provide appropriate surgical monitoring, pre- and post-operative care. Post-operative deaths were not uncommon. These records were reviewed indepth by myself and included animals involved in the Bion protocols.

She goes on to talk about some other violations.

NASA officials repeatedly ignored my request for assistance in resolving a variety of animal welfare related issues.

She also says:

Many of the individuals associated with the animal research components of Bion protocols are the same individuals who demonstrated a total lack of respect for animal welfare laws.

And on and on.

Mr. President, there are people who are very close to this project, highly respected people, who differ, as we heard differing opinions expressed here earlier. I respect those differences. It does not mean, though, that just because they have differences that they are correct.

I have a page here listing seven or eight physicians. Senator FRIST is a physician. I respect him. But here are physicians who disagree with him on this project. Let me just read a couple.

Dr. Roger White, board certified anesthesiologist, Mayo Clinic, Mr. President—Mayo Clinic:

Any assessment must be reviewed as one of the most invasive experimental procedures ever imposed on an animal, beginning with surgical procedures of implementation of multiple monitoring devices. It is particularly aggressive to the point of being macabre as well as cruel.

The Senator from Maryland said all this was done in the best interest of the animal, nothing macabre was done. I am not sure that was the term she used.

Let me read exactly what is done. I think we should know what is done. It is the subject of debate. I do not think this is the only issue, but I think we should say what is done.

Now remember, no matter how you feel about research, this is done because, and Senator GLENN brought this up, we want to determine the effects of weightlessness on these animals in space. Astronauts train and exercise vigorously in space to keep their muscles and their bones moving so that they don't atrophy, if you will. These monkeys are restrained. They cannot move. So I ask whether or not this kind of treatment is necessary now in this day and age after we have had astronauts in space over 400 days at a time to determine the effects of weightlessness on monkeys who are restrained, who cannot move.

I do not know what ''macabre'' means. I do not know what ''gruesome'' means or ''grotesque'' means. I thought I knew what it meant until I heard the statement from the Senator from Maryland. If this isn't, then I would like to know what it is.

This is in a letter to Daniel S. Goldin from Leslie Alexander of the Houston Rockets. They live in the Houston area, have business in the Houston area. They are very supportive of NASA and the space program, as I am. This is what is done to the animals in question:

The Bion space project causes unimaginable suffering to the young monkeys.

Again, thinking of the words ''macabre,'' ''cruel,'' whatever you want to call it. If you don't think it is, fine, then you should vote the other way.

The tops of the monkeys' skulls are opened, electrodes are wired to their brains, holes are cut in their eyelids and eyeballs, wires are run through the holes and stitched to their eyeballs. The wires are threaded under their scalps to reach the circuit boards cemented into the openings in their skulls. Eight holes are then drilled into each monkey's skull so a metal halo can be screwed into it for immobilizing the animal for up to 16 days. Fourteen electrode wires hooked up to seven muscles in the monkeys' arms and legs tunnel under the skin and exit from a hole in the animals' backs. A thermometer is surgically buried in each animal's stomach and it too exits their backs. Straight jackets are sown on to monkeys to keep them from ripping the wires out of their bodies.

He goes on to say that this project is cruel, pointless, wasteful, scandalous, shameful, and harmful to NASA's reputation.

Mr. President, if you assume—if you assume; I do not—but if some do, that this type of medical research is necessary, then why do it after you have the results? How does a monkey, restrained, that cannot even move, how does this experiment in space help anybody find out anything? And the truth of the matter is, Mr. President, it does not. And everybody in NASA knows it. Mr. Goldin knows it. The White House knows it. And 244 Members of the House know it. But somebody in this Government, some bureaucrat, somebody who is not in a leadership role on this, has decided otherwise.

So they send in this stuff. And they make it out to be an issue that somehow if you oppose this kind of treatment, that somehow you are opposed to all research, that you want to let heart doctors not have the opportunity to test and to do the things they have to do to determine how to operate on a human being. It is outrageous to make those kinds of statements on the floor of the U.S. Senate. This is a repetitious, unnecessary, experiment putting these monkeys through this for 14 days in space to find out the effect of weightlessness, when an astronaut moves around. He exercises. They give them, as the Senator from Ohio knows, prescribed exercises to do in space. They move around. A monkey in a straitjacket cannot move. And yet we still are doing it.

This is not 1960. This is 1996. We have had 40 years of humans in space. Why are we doing it? Because somebody, whom we cannot identify—no name has been given—in this bureaucracy has decided we have to have it. And it is being painted that this Senator is opposed to NASA. This Senator supports NASA. This Senator wants money to be spent in NASA for worthwhile projects, not wasted on this. We need to ask ourselves, is this the way the American people want us to spend their money?

Dr. David Wiebers of the Mayo Clinic, chairman of the neurology/epidemiology department:

I write this letter from the perspective of an academic and practicing neurologist who supports progress in medicine but who also has considerable concern about the well-being of animals who are utilized in experimental procedures, particularly when those procedures are not scientifically necessary . . .

That is the issue here, not sickness.

. . . and when they involve cruelty to animals . . . it is my opinion that the scientific

gains from these procedures will be insignificant. Moreover, these particular animal studies are extremely invasive and would be expected to cause major discomfort . . .

He is opposed to the project.

Mr. President, I ask unanimous consent that a sheet entitled ''Doctors say YES to the Smith-Feingold amendment to H.R. 3666'' be printed in the RECORD. It is a long list of physicians, very well-respected from Stanford, as well as the Mayo Clinic and others.

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

DOCTORS SAY YES TO THE SMITH-FEINGOLD AMENDMENT TO H.R. 3666

(Excerpts from statements from physicians and scientists who reviewed NASA's Bion 11/12 protocols)

By any assessment this must be viewed as one of the most invasive experimental procedures ever imposed on an animal, beginning with the surgical procedures of implantation of multiple monitoring devices. ''Surgery #3'' is particularly aggressive, to the point of being macabre as well as cruel.—Roger D. White, M.D. Board-Certified Anesthesiologist, Mayo Clinic.

I write this letter from the perspective of an academic and practicing neurologist who supports progress in medicine but who also has considerable concern about the well-being of animals who are utilized in experimental procedures, particularly when those procedures are not scientifically necessary and when they involve cruelty to animals. . . . It is my opinion that the scientific gains from these procedures will be insignificant. Moreover, these particular animal studies are extremely invasive and would be expected to cause major discomfort. . . .—David O. Wiebers, M.D. Board-Certified Neurology/Epidemiology, Chair, Mayo Clinic.

This kind of animal experimentation might have proceeded only a few years ago with little or no comment or objection. Now it cannot and must not. If human alternatives cannot be identified, as the investigators assume, then this project should be abandoned or radically revised and reviewed again.—Jennifer Leaning, M.D., M.S. Hyg. Board-Certified Internal/Emergency Medicine, Harvard Medical School

During my service at NASA/Ames Research Center (July 1993 until my resignation in March 1994), a review of the medical records of the non-human primates indicated NASA's failure to provide appropriate surgical monitoring, pre- and post-operative care, and analgesia. Post-operative deaths were not uncommon. . . . NASA officials told me NASA had no control over the care of BION monkeys in Russia. Veterinarians participating in the project who had visited the Russian facility and observed the animals on location told me conditions were ''draconian'' and that the animals received food of little or no nutritional quality.—Sharon Vanderlip, D.V.M. former Chief of Veterinary Service, NASA/Ames Research Center.

The question is: [W]ill this project substantially contribute to [astronauts'] health in future space missions? . . . My answer is that it will not. The rationale for this project, as set forth in the protocols I reviewed, is completely insufficient to justify continuation of this work.—Robert Hoffman, M.D., Board-Certified Neurologist, Stanford University.

[H]uman data would be more valid and cost-effective than animal data. Many of the surgical procedures are minor for humans (anesthesia being necessary in animals for restraint.) A cooperative human subject would not require some procedures which are done for fixation. . . . I am not convinced that this project will provide meaningful information in a cost-effective manner.—Dr. Dudley H. Davis, M.D., Board-Certified Neurologist.

[T]here have been a vast number of . . . sophisticated studies of . . . vestibular function performed in humans, above and beyond [the huge number using] animals, without any appreciable gain. . . . [C]learly this same old type of stimulate/record study of . . . pathways which has been done exhaustively offers no probability of affording any significant advancement.—Carol Van Petten, M.D., Board-Certified Neurologist.

The only benefit ascertained in my estimation is the continual drain of dollars out of the taxpayer's pocket and into the pockets of ''researchers'' like the irresponsible scientist[s] . . . who [are] common denominator[s] in all of this quackery.—Jack M. Ebner, Ph.D., Physiologist.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER (Mr. ASHCROFT). The Senator from Missouri.

Mr. BOND. Mr. President, if I might interrupt to propound a unanimous-consent request.

The PRESIDING OFFICER. Does the Senator from New Hampshire yield for the purposes of that unanimous-consent request?

Mr. SMITH. Yes.

Mr. BOND. Mr. President, I believe we have reached agreement on the unanimous-consent request that the vote on the tabling motion, which Senator SMITH is about to propound, occur at 2:15. After he makes that motion, then the pending amendment would be set aside, and Senator MCCAIN would be recognized to offer an amendment or amendments. And we would recess at 12:30 and come back in to vote at 2:15. And when that vote is concluded, Senator BUMPERS will be recognized to offer his amendment related to the space station. There is no time agreement on that. But debate will begin at 2:30 roughly, 2:30, 2:35, while the Iraqi briefing is going on. Would my colleague care to comment on it?

Ms. MIKULSKI. Mr. President, the Democratic leader has instructed me, on behalf of our side of the aisle, to, upon the completion of the Senator from New Hampshire's debate and his anticipated motion to table, that we agree to the unanimous consent that a vote occur at 2:15. We further agree that between now and the time we recess for party caucuses that Senator MCCAIN will be speaking on his veterans amendments. And the Democratic leader also agrees to the unanimous consent that upon the completion of the vote on the Feingold-Smith motion, that we move to the debate on the space station as proposed by Senator BUMPERS.

Mr. BOND. Mr. President, I, therefore, propound a unanimous-consent request that when Senator SMITH makes his tabling motion, that that will be set aside with a vote to occur on that amendment at 2:15, that when he completes the propounding of that motion, then Senator MCCAIN be recognized to offer his amendment or amendments, further, that upon the completion of the vote on the Smith-Feingold motion, Senator BUMPERS be recognized to offer his amendment on the space station.

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

Mr. BOND. Mr. President, I thank the Chair and I thank my colleague from New Hampshire.

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

Mr. SMITH. Thank you, Mr. President. Colleagues are here who wish to speak. I will be very brief. In another few moments I will be completing my remarks. I will then move to table.

Mr. President, I have cited a number of doctors who have indicated their opposition to this. Again, one other one I want to mention comes from Dr. Neal Barnard who wrote me a letter regarding whether or not this is research that is worthwhile or not.

Relevant studies have already been conducted on humans, the results of which are obviously more pertinent to human space flight. Extensive data is also available from previous human space missions, some which have exceeded 400 days. NASA's experiments using rhesus monkeys to study motion sickness, calcium loss and ''sea legs'' are not applicable to humans at all. The physiology of monkeys and humans differ drastically. A restrained monkeys with electrodes implanted in his legs cannot hope to offer insights into the largely neurological, short-lived and self-correcting problem of ''sea legs. ''* * * We already know of methods to limit calcium loss and treat the symptoms of the motion sickness and ''sea legs.''

Of course, in this case the monkey is restrained. So any benefits would be minimal.

Again, Mr. President, let me conclude on these few points. Sending a primate into orbit 30 years ago, 40 years ago, you could claim there would be some justification. But this is 1996. We have had, as I said, 38 to 40 years of humans in space. Even our two highest science officials in the memo I already cited have said that project is not necessary.

We have had humans in space for over 400 days at a time. Just about the time astronauts begin experiencing some of the problems associated with weightlessness the Bion trip with the monkeys end. Most of the weightlessness problems referred to by Senator GLENN happened after the 14th day in space. And these monkeys are brought out of space in 14 days. In the 2-week Bion missions the animals are being monitored by remote electronic instruments.

The February 1996 Bion science assessment report said a major weakness of the overall project is the limited data collection capability. Many of the experiments planned for Bion 11 are weakened by the lack of a digital data storage. There are any number of people who would indicate that this research is bad.

The second reason is even less of value, the bulk of research that would

deal with muscle loss and bone deterioration. Our astronauts are placed on rigorous exercise regimes, as the Senator from Ohio knows, while the animals are strapped in and remain immobile.

It is my understanding, Mr. President, that all of the members on the assessment panel that the proponents have all cited—they have all been cited here—admitted that the fact that the animals are restrained is a major flaw.

Let me just end on this point, Mr. President.

I don't know where the votes are going to fall on this. But, look, this is $15.5 million spent on a program that is supposed to look at the weightlessness of monkeys in space when, in fact, we have had humans in space for almost 40 years, and inflicting unbearable pain on these animals. To do that kind of thing for no reason, I think there is no validity to it. I think it says a lot about a society, a lot about the people in the Senate, frankly, who have the courage to stand up and say, you know, the Citizens Against Government Waste are correct that this is a waste of taxpayers' money. They are going to rip this vote, and they should. It is a waste of taxpayers' money, and whether you are an animal rights advocate or you want to save taxpayers' dollars, it doesn't matter.

I don't really particularly care which side you are on. I just need your vote. That is the point. The point is that it wastes Government money. If you want to stop wasting Government money, you ought to vote to table the committee amendment, and if you believe that you should not do duplicative research on animals—not eliminate all research—then you ought to vote for the amendment.

So I think that really says all that needs to be said.

Mr. President, at this time, I move to table the committee amendment and 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 yeas and nays having been ordered, the question will be before the body at 2:15 this afternoon, consistent with a previous order.

Under the previous order, the Senator from Arizona is recognized.

AMENDMENT NO. 5176

(Purpose: To control the growth of Federal disaster costs)

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN] proposes an amendment numbered 5176.

On page 75, line 10, after the word ''expended'' insert the following: ''*Provided,* That no money appropriated for the Federal Emergency Management Agency may be expended for the repair of marinas or golf courses except for debris removal: *Provided further,* That no money appropriated for the Federal Emergency Management Agency may be expended for tree or shrub replacement except in public parks: *Provided further,* That any funds used for repair of any recreational facilities shall be limited to debris removal and the repair of recreational buildings only.''

Mr. MCCAIN. Mr. President, my understanding is that this amendment is accepted by both sides of the aisle. That is my understanding. I would be glad to have a rollcall vote, but I believe it will be accepted.

Mr. President, this amendment would restrict the Federal Emergency Management Agency [FEMA] from spending funds on certain low priority items. Specifically, the amendment would prohibit FEMA from expending funds for the repair of marinas or golf courses except for debris removal, for tree or shrub replacement except in public parks, and limits what can be repaired at recreational facilities.

This amendment is based on recommendations made by the inspector general at FEMA. The inspector general's report concludes,

. . . that while grant funding appeared to be within the legal parameters of the program, policymakers may want to consider whether program eligibility should continue to include repairing such nonessential facilities as golf resorts, marinas for large boats, tennis courts, archery ranges, and equestrian trails, all of which serve a relatively small segment of the population.

This amendment gives us that opportunity.

According the IG's report, based on their inspection sample alone, had this amendment had been in effect, about $171 million could have been saved. That $171 million could have used to assist others more in need.

Some will argue that adoption of this amendment would place greater burdens on State and city governments. While that is partly true, it ignores the fact that the Federal Government does not have an automatic obligation to repair city and State facilities. For example, FEMA spent $5,687,002 to repair the Anaheim Stadium scoreboard.

While I am sure that the good people of Anaheim appreciate this Federal largess—and will undoubtedly enjoy watching their sporting events with a working scoreboard—such repair is not a Federal responsibility.

The Anaheim Stadium is an entity that charges admission. I would assume it strives to make a profit. Yet I have heard of no one offering to pay back the Federal Government for its investment. And I'm not sure that many would believe that scoreboard repair is something that would fall under the responsibilities of FEMA.

Mr. President, there are needs in my State of Arizona that FEMA has promised to address but has yet to fund. And this is only one of many examples from around the country. In Kearny, AZ, flooding washed out a bridge that allowed students to go to school. FEMA has agreed to fund the building of a new bridge, but has yet to produce the needed dollars.

Mr. President, I am not asking that Arizona be treated differently than any other State or that a problem in my State be given any preferential treatment. But I highlight this issue because allowing children to go to school is more important than the repair of a scoreboard or the fixing of a golf course.

Mr. President, the Disaster Relief Act of 1970, specifically excluded States and local facilities ''used exclusively for recreations purposes'' from receiving Federal funds. In subsequent disaster relief legislation, Public Law 93–288, the authorizing committee chairman stated ''such funds should not be spent on golf courses, football or baseball fields, tennis courts, parks or picnic areas * * *.'' Yet the law does not specifically prohibit such expenditures.

The inspector general's report states:

[A] community hit by a disaster needs to have its hospitals, schools, and police department functioning as soon as possible; it does not need to have its golf course repaired, or not at federal expense. However, as the Public Assistance program currently operates, a golf course is just as eligible to receive grant funding as a hospital, a marina is just as deserving as a school, and an equestrian trail is just as worthy as a police department.

Mr. President, I hope that the people at FEMA will be able to prioritize a little better than they have. Unfortunately, now we have to take legislative action. We must prioritize where Federal dollars are spent and golf courses, horse trails, and luxury boat marinas simply are not high priorities.

Mr. President, since its creation, FEMA has been the Federal Government's disaster response agency. In recent years, we have come to depend more and more upon FEMA. And although FEMA has been criticized at times for acting too slowly, it has done an admirable job. From the hurricane disasters on the east coast, to the California earthquake, to the flooding along the Mississippi River, FEMA has reacted to help those most in need.

FEMA deserves praise for all its good work. But it also appears that a change in the law that dictates how it spends tax dollars is clearly in order.

I recall being here on the Senate floor when the junior Senator from California made an impassioned plea to pass the California earthquake emergency appropriations bill. She showed the Senate pictures of the disaster and some of the unfortunate individuals affected by it. Those pictures were stirring, and the Senate quickly passed the bill. Well, I would like to share some pictures that tell a less compelling story.

This first picture is of the city of Indian Wells, CA, golf course—which is known as a vacation resort facility. Indian Wells has a population of about 2,600 people and one of the highest household incomes in the country: Approximately $100,000, which is almost triple the national average of $32,000.

The city has four private golf courses. This course, which is open to the public, charges a staggering $120 per person—including cart—for a round of golf. And because of the cost to golf at Indian Wells, the course runs a surplus of about $1 million a year.

Yet, Mr. President, when in 1993 the golf course sustained flood damage, FEMA gave the city of Indian Wells $871,977 to repair cart paths, sprinkler systems, and erosion. Mr. President, the general public does not—or cannot afford—to use a golf course in a resort vacation community that charges $120 per person. And spending the general public's money to restore this exclusive golf course is just wrong.

The next picture is that of the Links at Key Biscayne. This course received $300,000 for tree replacement.

The famous Vizcaya Mansion Museum and Gardens in Dade County, FL, received over $70,000 for uninsured tree and shrub damage. The IG report notes,

> . . . [that] since the county charges an admission fee to tour the museum and gardens, policymakers should determine whether the Federal Government should be responsible for restoring the opulent gardens of a tourist attraction.

The next picture is of the Dinner Key Marina in Miami, FL. This marina only allows boats to use its slips if such boats are 30 feet or more. Slip fees range from $230 to $850 per month, the equivalent of the monthly housing rent for most Americans.

Mr. President, I had my staff call some local boat stores there. They were informed that the cost of a 30-foot basic yacht starts at about $90,000. Not many middle and lower income individuals that I know of can afford a $90,000 yacht. Clearly, this facility is used only by the wealthiest of individuals, and not by the general public.

Simply said, FEMA should not be spending its money on these projects. Mr. President, FEMA did not have to spend money on these golf courses and marinas, but the Agency chose to. And the money was, indeed, spent. We can't afford to continue this practice.

I recognize that natural disasters do not discriminate. They affect the poor and the rich. The Federal Government's dollars are limited, and we cannot afford to spend them equally on the poor and the wealthy. We must prioritize how we spend the taxpayers' money. We only have a finite amount of money to spend. And as long as natural disasters continue to occur—and indeed they will—we cannot afford to continue to fund these kinds of repairs.

There are many examples of waste and abuse of FEMA funds in this manner, in the manner I have elaborated here, and this amendment would stop that waste. I hope that it will be adopted.

Mr. President, the inspector general made a report in May of 1996 entitled ''Intended Consequences—the High Cost of Disaster Assistance for Park and Recreational Facilities.'' I think it is a very worthwhile document.

Just to quote from a couple of findings on page 10, it says:

> Based on our sample, we found that FEMA has paid millions of dollars for tree replacement in golf courses, parks, and other recreational areas. Crandon Park in Key Biscayne, Florida, received almost $3.5 million for tree replacement as a result of Hurricane Andrew. Approximately $1.7 million, or almost half of this amount, was to replace trees in areas that were not used for recreational purposes. More than $1.6 million of the $1.7 million was to replace trees in a 3.5 mile stretch of a median strip and swale areas (side of the road) through the park that were damaged in the disaster and $100,000 was to replace trees in parking lots.

Ms. MUKULSKI. Will the Senator yield for a question?

Mr. MCCAIN. I am glad to yield.

Ms. MIKULSKI. For purposes of clarification, this Senator knows full well that the Senator from Arizona is a graduate from the Naval Academy, and knows essentially the issues around the Chesapeake Bay. I am very sympathetic to the Senator's desire to implement the report of the IG. I have another flashing light about the marina issue.

Let me ask a few questions because the Senator knows from his time on the bay that we have 2,300 miles of shoreline with many marinas, and they are the small businesses, kind of general stores along the water. Some are higher income persons, as the Senator said. But a lot of them are owned by people named Buck, and this is what keeps them going.

My question is about the consequences of the Senator's amendment. Is the prohibition limited only to publicly owned marinas, or does it include private sector marinas as well?

Mr. MCCAIN. I believe, according to the inspector general's report, that it would exclude marinas from receiving any Federal funds—this is their report—except for debris removal.

> Marinas in our inspection sample incurred over $22.3 million in disaster damage, not including debris removal costs. Most of these marinas are for recreational boaters and serve a small segment of the public. Some of the marinas . . . generated enough revenue to cover their operating expenses prior to the disaster, and a few of them produced excess revenue which was transferred to the local government's operating general fund accounts. Most of the damage to the marinas was to piers and docks rather than buildings, which were insured. The impact would be mitigated by purchasing insurance, which some of the marinas have already done for their buildings.
>
> Within our inspection sample we found that eliminating marinas would have resulted in Federal savings of at least $17 million.
>
> In commenting on a draft report of the associated direct response recovery directive, it was difficult to justify excluding marinas while allowing other types of like facilities which are also designed for recreation, such as swimming pools . . . tennis courts . . . because of the cost, marinas generally cater to a small segment of the population.

So in answer to the question, if there is a way to shape this legislation in either the report or in amendment language so that we could make sure that where there are low-income people and low-income boaters and not the minimum of 30-foot vessels, then I would be more than happy to work with the Senator from Maryland to clarify the intent of this language.

Ms. MIKULSKI. I appreciate the Senator's courtesy.

If I might comment, first I want to reiterate my support for the IG report and for the general thrust of the Senator's amendment. I thank him for the courtesy of acknowledging the cost and the very nature of the geography of the State of Maryland with its 2,300 miles of shoreline. When it says ''small impact,'' that might be true with all of the continent, but Maryland is unique.

I know the Senator from Missouri wishes to accept the amendment. I wish to cooperate. I wonder if our staff can see what we can do to ensure that the issue of marinas—that we get rid of waste, but yet I want to protect the small business guys that are named Buck and Harry. The Senator knows what I am talking about.

So if I could have the concurrence, I look forward to working with the Senator. Again, I thank him for his courtesy.

Mr. MCCAIN. Mr. President, I would like to thank the Senator from Maryland. She raises a very valid point. There are mom-and-pop operations at marinas. I would be happy to try to work with her in discriminating between those kind of facilities that are only available to a few. I think we can work that out.

I ask unanimous consent to modify my amendment.

The PRESIDING OFFICER. Is there objection?

Ms. MIKULSKI. We can't agree to a modification until we know what the modification is.

Mr. MCCAIN. I ask unanimous consent that my amendment be set aside until such time as we reach agreement for modification, and then we will bring it up at that time.

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

Mr. MCCAIN. Mr. President, could I also ask my friend from Missouri—as he knows, I have two other amendments. One, I believe, is in discussion stage with his staff, and the other, I believe, is acceptable to him. Would he like me to discuss either one or both of those amendments at this time or wait until a later time?

Mr. BOND. Mr. President, I would like to confer with my ranking member to determine whether one of those might be accepted now. I do have a couple of minutes. I would like to comment on this FEMA amendment because this is a very important and very complicated issue.

Ms. MIKULSKI. Is that the concern the Senator has about the population changes and so on? We have discussed this. I believe the Senator in his steadfast way has represented that he would like to offer an amendment on another

issue, and I think we could take it. Does the Senator from Missouri desire to acquiesce in that?

Mr. BOND. Mr. President, I think we can take that amendment. I have some further comments on that to accommodate my colleague. I will save those comments.

Mr. MCCAIN. Mr. President, I would be glad to put my statement in the RECORD because, as the distinguished managers of the bill know, this issue has been ventilated on numerous occasions. I point out that for 3 years this amendment has been accepted and then dropped in conference. So I feel compelled here in the fourth year to ask for a recorded vote to make sure that the Senate is completely on record on this issue, in all due respect to my two dear friends and colleagues. But 3 years in a row is enough. I would be glad to submit my statement for the RECORD.

On that amendment, I will be asking for a recorded vote at the appropriate time.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. We have a unanimous-consent agreement to proceed to the space station amendment at 2:30. That will require a vote. I ask unanimous consent that a vote on Senator MCCAIN's amendment relating to the VA resource allocation be placed immediately after the vote on the space station amendment.

I ask unanimous consent that no second-degree amendments be in order on the McCain amendment on VA resource allocation and that that vote be 10 minutes in length.

The PRESIDING OFFICER. Is there objection?

AMENDMENT NO. 5177

(Purpose: To require a plan for the allocation of Department of Veterans Affairs health care resources)

Mr. MCCAIN. Mr. President, reserving the right object, I do not intend to object, but I think it would be necessary for me at this time to send the amendment to the desk. I ask indulgence of my colleagues to do so.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for himself and Mr. GRAHAM, proposes an amendment numbered 5177.

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

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

The amendment is as follows:

On page 104, below line 24, add the following:

SEC. 421. (a) PLAN.—(1) The Secretary of Veterans Affairs shall develop a plan for the allocation of health care resources (including personnel and funds) of the Department of Veterans Affairs among the health care facilities of the Department so as to ensure that veterans who have similar economic status, eligibility priority, or medical conditions and who are eligible for medical care in such facilities have similar access to such care in such facilities regardless of the region of the United States in which such veterans reside.

(2) The plan shall—

(1) reflect, to the maximum extent possible, the Veterans Integrated Service Network and the Resource Planning and Management System developed by the Department to account for forecasts in expected workload and to ensure fairness to facilities that provide cost-efficient health care; and

(2) include—

(A) procedures to identify reasons for variations in operating costs among similar facilities; and

(B) ways to improve the allocation of resources so as to promote efficient use of resources and provision of quality health care.

(3) The Secretary shall prepare the plan in consultation with the Under Secretary of Health of the Department of Veterans Affairs.

(b) PLAN ELEMENTS.—The plan under subsection (a) shall set forth—

(1) milestones for achieving the goal referred to in paragraph (1) of that subsection; and

(2) a means of evaluating the success of the Secretary in meeting the goal.

(c) SUBMITTAL TO CONGRESS.—The Secretary shall submit to Congress the plan developed under subsection (a) not later than 180 days after the date of the enactment of this Act.

(d) IMPLEMENTATION.—The Secretary shall implement the plan developed under subsection (a) not later than 60 days after submitting the plan to Congress under subsection (c), unless within that time the Secretary notifies Congress that the plan will not be implemented in that time and includes with the notification an explanation why the plan will not be implemented in that time.

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

Mr. MCCAIN. Mr. President, this is the third year in a row that Senator GRAHAM of Florida and I have sponsored legislation to better allocate health care funding among the Veterans Department's health care facilities. Despite the fact that this amendment would enable veterans to receive equal access to quality health care, no matter where they live or what circumstances they face, this piece of legislation has never been made law.

Mr. President, in March 1994, I originally brought to Secretary Jesse Brown's attention the inequity in veterans access to health care. Despite their knowledge of the problems in the system that is currently being used, the Department of Veterans Affairs is still using an archaic and unresponsive formula to allocate health care resources. This system must be updated to account for population shifts. That is why Senator GRAHAM and I are continuing our efforts, for the third year in a row, to change the way health care is allocated among veterans health funding by eliminating funding disparities among VA health care facilities across the country.

The veterans population in three States, including Arizona, is growing at the same time that it is declining in other parts of the country. Unfortunately, health care allocations have not kept up with the changes. The impact of disparate funding has been very obvious to me during my visits to many VA Medical Centers throughout the country, and particularly in Arizona, and was confirmed by a formal survey of the Carl T. Hayden VA Medical Center in Phoenix, which was conducted by the Veterans of Foreign Wars [VFW] in April 1994.

The problem has been further verified by the General Accounting Office [GAO] in a report entitled ''Veterans Health Care: Facilities' Resource Allocations Could be More Equitable.'' The GAO found that the Department of Veterans Affairs continues to allocate funding based on past budgets rather than current needs, and has failed to implement the resource planning and management system [RPM] developed 2 years ago to help remedy funding inequity.

Mr. President, the GAO cities VA data that the workload of some facilities increased by as much as 15 percent between 1993 and 1995, while the workload of others declined by as much as 8 percent. However, in the two budget cycles studied, the VA made only minimal changes in funding allocations. The maximum loss to a facility was 1 percent of its past budget and the average gain was also about 1 percent.

This inadequate response to demographic change over the past decade is very disturbing, and, I believe, wrong. To illustrate the problem, I would point out that the Carl T. Hayden VA Medical Center experienced the third highest workload growth based on 17 hospitals of similar size and mission, yet was only funded at less than half the RPM process.

Mr. President, the GAO informs me that rather than implementing the RPM process to remedy funding inequities in access to veterans health care, the VA has resorted to rationing health care or eliminating health care to certain veterans in areas of high demand.

The GAO says:

Because of differences in facility rationing practices, veterans' access to care system wide is uneven. We found that higher income veterans received care at many facilities, while lower income veterans were turned away at other facilities. Differences in who was served occurred even within the same facility because of rationing.

The GAO also indicates that there is confusion among the Department's staff regarding the reasons for funding variations among the VA facilities and the purpose of the RPM system.

Mr. President, this problem must be addressed now. This amendment compels the VA to take expeditious action to remedy this serious problem and adequately address the changes in demand at VA facilities.

To conclude, I want to reiterate that I find it simply unconscionable that the VA could place the Carl T. Hayden VA Medical Center at the bottom of the funding ladder, when the three VA medical facilities in the State of Arizona must care for a growing number

of veterans, and are inundated every year by winter visitors, which places an additional burden on the facilities.

I ask unanimous consent that the VFW survey be printed in the RECORD following my remarks.

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

(See exhibit 2.)

Mr. MCCAIN. I also want to finish my time by emphasizing to this Senate that the problems that exist at the VA have occurred for years, and that it is about time that we change the system to give our veterans the better care they deserve.

EXHIBIT 2

VETERANS OF FOREIGN WARS
OF THE UNITED STATES,
Washington, DC, April 7, 1994.

In Reply Refer to: 94–24.

JOHN T. FARRAR, M.D.,
Acting Under Secretary for Health (10), Veterans Health Administration, Department of Veterans Affairs, Washington, DC.

DEAR DR. FARRAR: A member of my staff, Robert F. O'Toole. Senior Field Representative, conducted a survey of the Phoenix, Arizona, Department of Veterans Affairs Medical Center, on March 14–15, 1994. During his time at the medical center, he was able to talk with many patients, family members and staff. This enabled him to gather information concerning the quality of care being provided and the most pressing problems facing the facility.

While those receiving treatment in the clinics and wards felt that the quality was good, they almost all commented on the long waits in the clinics and the understaffing throughout the medical center. In discussing their problem with various staff members, it was noted that nurses were under extreme stress. More than one was observed by Mr. O'Toole in tears when completing their tour. The nursing staff on evening shifts must rush continually through their duties in an attempt to cover all their patients needs due to the shortage in staffing in both support and technical personnel.

In attempting to determine the reason for this problem, it became apparent that the station was grossly underfunded. Which means that the staff must either take unwanted shortcuts or continue to work beyond the point expected of staffs at the other medical centers. While it is well understood that the Veterans Health Administration is underfunded throughout the system, it is clear from the comparisons that this facility has not received a fair distribution of the available resources resulting in the deplorable situation now facing the health care team.

Another problem in Phoenix that must be addressed is the serious space deficiency, especially in the clinical areas. The ambulatory care area was designed to handle 60,000 annual visits. In fiscal year 1993, the station provided 218,000 annual visits, almost four times the design level. Many physicians are required to conduct exams and provide treatment from temporary cubicles set up inside the waiting rooms. This bandaid approach has added to the already overcrowding.

The other problem that we feel should be pointed out is that of the staffing ceiling assigned to the Carl T. Hayden Veterans Medical Center. Currently, the medical center has a FTEE of 1530 which is over the target staffing level. Based on available reports, the medical center would need an additional 61 registered nurses just to reach the average Resource Program Management (RPM) within their group. This facility operates with the lowest employee level in their group when comparing facility work loads, and 158th overall. To reach the average productivity level of the Veterans Health Administration medical centers, they would need an additional 348 full-time employees. While it is realized that this station will never be permitted to enjoy that level of staffing, it is felt that they, at the least, should have been given some consideration for their staffing problems during the latest White House ordered employee reductions.

To assist the medical center to meet their mandatory work load, and the great influx of winter residents, it is recommended that the $11.4 million which was reported to the Arizona congressional delegation to have been given Phoenix in addition to their FY 94 budget be provided. To enable the station to handle the ever increasing ambulatory work load, the Veterans Health Administration must approve the pending request for leased clinic space in northwest Phoenix and, the implementation plan for the use of the Williams Air Force Base hospital as a satellite outpatient clinic, along with the necessary funding to adequately operate the facility. In addition, VHA should approve and fund, at a minimum, the expansion of the medical centers clinical space onto the Indian School land which was acquired for that purpose.

Approval of the above recommendations would make it much easier for this medical center to meet the needs of the ever increasing veteran population in the Phoenix area. There is no indication that the increasing population trends will change prior to the year 2020. This hospital cannot be allowed to continue the downhill slide. The veterans of Arizona deserve a fair deal and the medical staff should be given the opportunity to provide top quality health care in a much less stressful setting.

I would appreciate receiving your comments on the Phoenix VA Medical Center at your earliest opportunity.

Sincerely,

FREDERICO JUARBE, Jr.,
Director,
National Veterans Service.

Mr. BOND. Mr. President, under the previous order, we were supposed to adjourn at 12:30. I ask unanimous consent that I may be permitted an additional 5 minutes to comment on the MCCAIN amendment.

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

AMENDMENT NO. 5176

Mr. BOND. I want to address the FEMA amendment because the Senator from Arizona has raised some excellent points, and I believe they are very important points this body ought to address.

In fact, the Senator's amendment stems from one of a series of reports I requested of the inspector general last year in an effort to reduce Federal disaster relief costs and improve FEMA operations. The IG has found a weak financial management system at FEMA as well as a number of questionable practices in terms of disaster expenditures. The most recent IG report found some very startling and troubling examples of what could be characterized as an abuse of taxpayer funds.

We have already seen the pictures of a golf course where fees as high as $120 per person were charged yet has received $872,000 in public assistance grants following flood damage.

Let me make it clear, because this area is very complicated, that the disaster relief that we are talking about is available only to publicly owned facilities. If they are privately owned, there are SBA loans that are available. But the FEMA disaster assistance goes generally with the cost share 25 percent local or State cost share with the Federal Government providing the other 75 percent.

We talked about marinas and golf courses, but we could talk about equestrian trails, archery ranges, and other facilities benefiting a very small segment of the population where they receive millions of dollars for tree and shrub replacement. I believe very strongly in trees and shrubs; I plant a lot of them myself, but I seriously question whether that is an essential use of our scarce taxpayer dollars. There is erosion repair, sprinkler systems, and the like. In examples of the facilities the IG looked at which received Federal funds between 1989 and 1995 totaling $286 million, the Federal cost share was between 75 percent and 100 percent.

While I strongly support the intentions of the Senator from Arizona, I am delighted that we are going to have an opportunity to work with him and other colleagues because we have asked of the FEMA Director, and he has promised, to report back to Congress by October 1 a comprehensive plan to reduce the amounts spent and to improve controls on disaster relief expenditures. He has promised to respond to the series of IG and GAO reports that I have requested. These reports do detail a number of what I would consider very questionable expenditures. There is a much larger issue, and we must pursue it comprehensively, not only in the position I serve on this subcommittee but I formerly cochaired a task force on disaster relief with the Senator from Ohio, Senator GLENN, and we have in that task force expressed our grave concerns about the escalating costs of FEMA disaster relief.

Last year, some of my colleagues may remember, in this subcommittee we had to cut $7 billion in other agency programs, primarily housing, housing programs, in order to pay for the Northridge earthquake, and in tight fiscal times we have to be far more prudent in the kinds of relief we provide for public facilities where they are essentially profitmaking though publicly owned facilities.

I can assure my colleague from Arizona that I intend to hold FEMA's feet to the fire in their commitment to submit a plan by October 1. It is essential not only that we but the authorizing committees address this issue.

I look forward to working with my colleague from Arizona and others, particularly my colleague from Maryland, who are very much concerned about this issue.

If there are no further Senators wishing to speak, I yield back my time.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 having arrived, the Senate will now stand in recess until the hour of 2:15 p.m.

Thereupon, at 12:36 p.m., the Senate recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. CAMPBELL).

DEPARTMENT OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1997

The Senate continued with the consideration of the bill.

EXCEPTED COMMITTEE AMENDMENT ON PAGE 104, LINES 21–24

The PRESIDING OFFICER. Under the previous order, the vote will now occur on the Smith motion to table the committee amendment.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Oregon [Mr. HATFIELD], the Senator from Alaska [Mr. MURKOWSKI], and the Senator from Pennsylvania [Mr. SANTORUM] are necessarily absent.

I further announce that, if present and voting, the Senator from Oregon [Mr. HATFIELD] would vote ''nay.''

Mr. FORD. I announce that the Senator from New Jersey [Mr. LAUTENBERG] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 42, nays 54, as follows:

[Rollcall Vote No. 266 Leg.]

YEAS—42

Abraham	Grassley	McCain
Akaka	Gregg	Murray
Baucus	Harkin	Nickles
Biden	Hatch	Pryor
Boxer	Helms	Reid
Brown	Inhofe	Roth
Bumpers	Jeffords	Smith
Cohen	Johnston	Snowe
Conrad	Kennedy	Specter
D'Amato	Kerrey	Thomas
Dorgan	Kerry	Thompson
Faircloth	Kohl	Warner
Feingold	Leahy	Wellstone
Grams	Levin	Wyden

NAYS—54

Ashcroft	Domenici	Lott
Bennett	Exon	Lugar
Bingaman	Feinstein	Mack
Bond	Ford	McConnell
Bradley	Frahm	Mikulski
Breaux	Frist	Moseley-Braun
Bryan	Glenn	Moynihan
Burns	Gorton	Nunn
Byrd	Graham	Pell
Campbell	Gramm	Pressler
Chafee	Heflin	Robb
Coats	Hollings	Rockefeller
Cochran	Hutchison	Sarbanes
Coverdell	Inouye	Shelby
Craig	Kassebaum	Simon
Daschle	Kempthorne	Simpson
DeWine	Kyl	Stevens
Dodd	Lieberman	Thurmond

NOT VOTING—4

Hatfield	Murkowski
Lautenberg	Santorum

The motion to lay on the table the committee amendment on page 104, lines 21–24, was rejected.

Mr. BOND. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Without objection, the underlying amendment is agreed to.

The committee amendment on page 104, lines 21–24, was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 5178

(Purpose: To reduce the appropriation for the implementation of the space station program for the purpose of terminating the program)

Mr. BUMPERS. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arkansas [Mr. BUMPERS], for himself, Mr. KERRY, Mr. JEFFORDS, Mr. KOHL, Mr. SIMON, Mr. WELLSTONE, Mr. BRYAN, Mr. FEINGOLD, Mr. LEAHY, Mr. BRADLEY, and Mr. WYDEN, proposes an amendment numbered 5178.

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

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

The amendment is as follows:

On page 82, strike lines 6 through 7, and insert in lieu thereof the following: ''sion and administrative aircraft, $3,762,900,000, to remain available until September 30, 1998. *Provided*, That of the funds made available in this bill, no funds shall be expended on the space station program, except for termination costs.''

Mr. BUMPERS. Mr. President, as most of my colleagues know, this amendment would terminate NASA's space station program. This morning on the way to work, I was discussing this amendment with my administrative assistant, and we were discussing the fact that this is perhaps the fifth year I have offered this amendment in an effort to stop what I consider is a disaster in the making. She said, ''Why do you persist in doing this every year?'' That is an easy question to answer. The short answer is that I believe very strongly that we are embarked on the expenditure of $100 billion that, in the final analysis, is going to be considered by every physicist, every top medical man in the country, and by most Members of Congress, those who are willing to admit that we may have made a mistake, as a terrible financial disaster.

We still have a chance to prevent that disaster. If we were to adopt the Bumpers amendment today, we have a chance to save between $50 and $74 billion. I invite all of my colleagues to look at the budget for the future. Defense continues to go up. Entitlements will continue to go up. Everything will go up, except that roughly 18 percent of the budget which we call domestic discretionary spending, within which lies this $100 billion for the space station.

Do you know what domestic discretionary spending is? It is not Social Security. It is not Medicaid. It is not senatorial pensions, Government pensions, or military pensions. It is not interest on the debt. It is that very small portion of money that Congress still has some control over that determines the kind of nation we are going to be. It is the money we spend on education. How many times have I said that when American families sit around the dinner table in the evening and talk about what they love the most, it is not that Mercedes out in the driveway, it is not the farm out back, or that posh office downtown, or the country club and the golf course on weekends. It is their children.

The more money you pour into wasteful spending, like the space station, the less you are going to have for the thing you love most, your children. When people talk about how much they love their children, what do they talk about? They talk about their education. What else? They talk about their children, long after the parents are dead, being able to breathe clean air and drink clean water. And where are the environmental constraints and improvements located? In domestic discretionary spending right there with the space station.

When people talk about their children, they talk about how to keep them out of gangs, the place where so much of the crime in this country is located. Where is law enforcement found? Right in that small pocket of money for domestic discretionary spending.

So this vote is about whether you believe in space. This vote is not about whether you get teary-eyed every time you see the shuttle take off. You are making a big, big decision, a big, big choice on where you want our country's money spent. For every dime you put into the space station, it is a dime that will not be available for our children's education. It will not be available for legitimate, honest-to-God medical research. It will not be available for all of those things that go right to the heart of what kind of nation we want to be.

In 1984—some Members of this body remember it well—Ronald Reagan stood on the floor of the House of Representatives and he talked about the space station and how we were going to build a space station and have it completed by 1992. In 8 years we were going to build this monumental demonstration of our scientific skills. For how

much? $8 billion. That was the cost. By the time we spent $11 billion we didn't even have a good blueprint.

So President Clinton came to town and said this thing is out of control. It is much too expensive. Back in those days it was called Space Station *Freedom*, and the cost was absolutely staggering. So President Clinton said, ''Bring me another plan.'' So they brought him this plan called the Alpha, and he signed off on it. But it is not the Alpha anymore. It is the international space station because the European Space Agency is participating. And Russia is going to participate, if we give them the money. They are totally incapable of participating otherwise.

Mr. President, do you realize that we have been in space for almost 35 years? We have been in space for almost 35 years, and the Russians have had a space station of one kind or another since 1971. For 25 years the Russians have had a space station. The first one in 1971 was called the *Soyuz I*. Then there were five succeeding Soyuzes. Then the *Mir*, which they deployed in 1986 and is still there in 1996. The *Mir* has been up 10 years.

You are going to hear during the course of this debate all of these monumental claims about what we have gotten out of the space program so far. You are going to hear people talk about AIDS, cancer, arthritis and all of the terrible diseases that people fear so much. I am going to respond on the front end right now by saying, ''Ask the Russians.'' They have had a space station up for 25 years. Ask them. What have they gotten? I will tell you the answer. Nothing. You are going to hear all kinds of exotic technical arguments about different kinds of cells and crystals, protein crystals, gallium arsenide crystals. You are going to hear about bone structure, cell structure, and what all you get in space.

I am going to give you a bunch of quotes that are not particularly interesting to listen to, but I am going to quote them to you anyway before I finish this statement, where every single scientist in America, every physicist who is not on NASA's payroll, every medical doctor worth his salt in America, says that to try to justify the space station on the grounds of scientific and medical research is laughable. You will not hear me reading to you a statement prepared by NASA. You will not hear me reading a statement to you that was prepared in a big four-page ad by Boeing. I am telling you that I am not a scientist. I am not a doctor. You can tell me anything, and I cannot refute it. But I will let the experts refute the arguments for the space station.

I used to say that I believe in picking the best brains in America. On any subject I can find the best brains. If I were going into anything, say, into the popcorn business, I would go to somebody that has been successful in the popcorn business. If I want to know about medical research, I might go to the Harvard Medical School. I will quote for you some of those people. If I were going to do something in an area of physics, I would go to somebody in the American Physical Society. Do you know who that is, Mr. President? The American Physical Society is 40,000 physicists. It is virtually every physicist in America. I will tell you before I finish this statement how adamantly opposed to this space station the American Physical Society is. I will tell you why the top medical people at Harvard and all across the country, from the Arthritis Foundation on down, are utterly opposed to the space station. You do not have to be a scientist to know the reason they are opposed to it. They are opposed to it because it is an utter misuse of the money.

Let me digress for just a moment. I assume that most people in this body heard President Clinton's acceptance speech at the convention the other night, and you heard him say that in the past 4 years we have doubled the life of AIDS victims. That is a monumental success. Do you know what the space station had to do with that? Nothing. Do you know why we were able to do that for the people who are victims of AIDS? Because we put $12 billion a year out at the National Institutes of Health where real medical research takes place. How does it take place? The National Institutes of Health passes the money out to schools like the University of Arkansas, MIT, Harvard, and Pennsylvania and all of the other great universities of this country.

It is those universities and the private sector who have been going all out to find a cure for AIDS, or something that would prevent it. But what is Congress doing? We are getting ready to drop another $74 billion into the space station—$74 billion. Where I come from, $74 billion ''ain't bean bag.'' When the year 2002 comes around, you are going to see this domestic discretionary spending account having gone from today's $264 billion to $220 billion.

We are going to cut it $40 billion over the next 6 years. You tell me. How are we going to find the money to fund the things that we want to fund? We are not only going to have to cut $40 billion out of the account by the year 2002 but we are going to continue to fund this space station. It will be safely ensconced in that $224 billion.

Mr. President, when it looked as though the space station might be in serious trouble, everybody said, ''Well, let's make it an international project. Let's get the Russians involved. Let's get Europe involved.'' And so we have been able to get them involved to some extent. But I can tell you that right now the Russians are 6–8 months behind. They are supposed to build a module where the astronauts will live and control the station. The Russians are going to build a module where the men actually live, or the men and women, whichever the case may be. They are behind. And the Russian Government has not given the Khrunichev Corp. that is supposed to build it any money to build it with.

I am one who has favored virtually all the assistance we have given to Russia and will continue to do everything I can to help foster democracy in Russia because I think it is to our advantage and we are the beneficiaries. But if you think the Russians are going to come in on time and they are going to be able to launch all their Soyuz rockets right on time, you have to be smoking something.

It is going to take 90, about, space shuttle flights to deploy the space station and to service it. You know something that is really interesting? How many times have you ever heard your mom talk about something that is worth its weight in gold? Well a pound of water sent by shuttle from Earth to the space station once it is deployed—1 pound of water, 1 pound of food, 1 pound of anything—will cost $12,800, twice the cost of gold. Can you believe that? Every time we launch that shuttle today it cost almost $400 million. We are going to have 90 shuttle flights to deploy the space station and to service it and take food and water to our astronauts.

And so when they talk about the $50 billion for these shuttle flights to service and maintain the space station, there is a big assumption, and the big assumption is that everything is going to happen right on time, that the launches will take place precisely when they are supposed to, they will arrive at the space station right when they are supposed to, they will hook up right when they are supposed to. The editors of Space News say it is utter folly to plan on that basis.

The space shuttle was supposed to take off for the Russian space station *Mir* in July. But it was grounded for six weeks because of technical problems. Yesterday it was on the launch pad being prepared for a launch on September 14. Do you know where *Atlantis* is right now? It is back in the hangar. It is in the hangar in Florida because a hurricane is approaching Florida. So they had to probably download it, that is, take the fuel out of it, and put it in the garage. What if we were planning to launch the *Atlantis* today? We could not because of the hurricane. You say that is no big deal. It is a big deal. It cost millions every time you miss the target to take off in one of those things. To assume that every one of those missions is going to take off right on time and everything is going to go hunky-dory, as the General Accounting Office says, is the height of folly.

Now, Mr. President, we have already built 17 percent of the hardware of the space station. That translates into 167,000 pounds. So the argument on the other side will be that we have gone so far, we have already put this much money into it; we cannot stop now. Lord, how many times have I heard that argument in 22 years I have been in the Senate. Once a month.

I was absolutely the most shocked person in the Senate when we killed the super collider because I had listened to that argument for 3 years. Three years I had been trying to kill that thing. Incidentally, I do not take a lot of credit for that. The House killed it. The House killed it and held firm in the conference. We only got about 44 votes in the Senate to kill it. You cannot kill anything in the Senate that costs money. You can get a lot of noise about balancing the budget until you start trying to balance the budget.

Two weeks ago Aerospace Daily said that the space station construction budget is already $500 million above target. If you think the current $94 billion estimate, which is what the General Accounting Office says it is going to cost, NASA says 72 or 3—I will put my money on the General Accounting Office. They say it is going to cost $94 billion if everything goes perfectly from now on. Everybody knows it is going to cost more than that because everything will not go perfectly.

On that night when Ronald Reagan assured the American people that we were going to build this space station in 8 years for a total cost of $8 billion, NASA also said here is what we are going to do with the space station. Here is the mission. Listen. This is 1984.

No. 1, we are going to make it a staging base for future missions. If we decide to go to Mars, we will have the space station there. We can park a rocket there, refuel it and send it on to Mars. That mission is gone. No longer one of the missions.

No. 2, we are going to make a manufacturing facility out of it. For example, we will manufacture crystals for computers. They will be perfect because they are made in space. Nobody can tell you quite why zero gravity is important. Most physicists will tell you it is not important. But everybody assumes if you do it in space it must have some kind of benefit, or you must be able to do something in space you cannot do anyplace else. I will come back to that argument in a moment.

But, No. 2, it says we are going to make a manufacturing facility out of it—gone. It is no longer one of the missions.

No. 3, we are going to make a permanent observatory out of it. I assume we were going to observe Mars and space and observe the Earth also. So, No. 3 was to make a permanent observatory, observing the stars and the planets—gone. No longer one of the eight missions.

No. 4, we were going to make a transportation node, sort of a bus stop in space. But that mission is gone too.

No. 5, a servicing facility. It will be a place where shuttles could park and get any service work done. If they had to recharge the batteries, put on new fuel, whatever. We could also repair satellites there. It was going to be a garage in space—gone. No longer one of the missions.

No. 6, it was going to be an assembly facility where we would assemble a satellite or a spacecraft for further use, to go to Mars or maybe just to orbit the Earth or something else. That was the sixth one, to make an assembly facility—that is gone.

No. 7, a storage depot, where we would store fuel and parts and supplies, a gas station in space—gone.

No. 8, a research laboratory to study the impact of weightlessness—that is still there. Of the eight original missions, seven are gone. So, with this mission of research laboratory now the only mission remaining, what are they going to do? They are going to do medical research, according to a very lengthy statement that was put into the RECORD by my very good friend from Ohio.

Let me digress for a moment and say the Senator from Ohio and I came to the Senate together and we have become very close friends. He is one of the finest men I know. But he is entitled to be wrong occasionally. His wife, Anna, will tell you that. We just happen to disagree on this. We do not disagree on much.

But when it comes to the kind of research you are going to do, let us talk about the life sciences, the medical research part of it. As I said earlier, I am not a doctor, so I have to depend on people that I respect, whose judgment I trust. So, here is then-Presidential Science Adviser D. Alan Bromley. He wrote the Vice President remarks on March 11, 1991, and here is what he said:

> The space station is needed to find means of maintaining human life during long space flights. This is its only scientific justification, in our view. And all future design efforts should be focused on this one purpose, how to maintain human beings in space.

He went on to say.

> The primary thrust of whatever life research is conducted will be focused on manned space exploratory programs. Medicine and commercial applications will be secondary.

Carl Sagan—who, incidentally, favors the space station because he favors space exploration, but the purposes are quite different, according to Carl Sagan, than those of the proponents of the space station—said:

> The only substantive function of a space station, as far as I can see, is for long-duration space flight.

Before I forget it, here are the organizations who oppose this thing: The American Physiological Society, American Society for Biochemistry and Molecular Biology, American Society for Pharmacology and Experimental Therapeutics, American Society for Investigative Pathology, American Institute for Nutrition, American Association of Immunologists, American Society for Cell Biology, Biophysical Society, American Association of Anatomists.

Let me continue. Here is what the American College of Physicians said, in April 1992:

> We agree that much if not all of the money slated for the space station, the super collider, SDI, and for defense intelligence could be better spent on improving the health of our citizens, stimulating economic growth, and reducing the deficit.

Here is what the American Physical Society said on July 24, 1994. Bear in mind they speak for 40,000 physicists who are charged primarily with building the space station. Here is what they said in 1994:

> The principal scientific mission of the station is to study the effects on humans of prolonged exposure to a space environment. Medical researchers scoff at claims that these studies might lead to cures for diseases on Earth.

David Rosenthal, Harvard Medical School, testifying on behalf of the American Cancer Society. Listen to this:

> We cannot find valid scientific justification for the claims that this will affect vital cancer research. Based on the information we have seen thus far, we do not agree that a strong case has been made for choosing to do cancer research in space over critically needed research on the Earth.

Dr. Sean Rudy, who runs the American Arthritis Foundation:

> I will submit to you the medical research done here on Earth is of greater value than that planned in space. Space station proponents have indicated that the space station will provide a first-class laboratory. We used to have first-class laboratories in universities and medical schools across the country. Reports by the National Institutes of Health and National Science Foundation have indicated that in over 51 percent of the biological laboratory research, space is deemed inadequate for the conduct of research. Furthermore, the National Science Foundation report estimated that the capital construction backlog for lab research space is $12 billion. Should our priorities now be a first-class laboratory in space or correction of a long-standing deficiency in laboratories throughout the country?

His point is not debatable, not arguable.

Donald Brown, president of the American Society for Cell Biology, in an article in the Washington Post called ''Who Needs A Space Station?'' Here is what he said:

> In reference to experiments on cellular processes in normal and diseased cells and organisms, there is no obvious need for this research. It is extremely difficult to imagine what special conditions space might provide for answering important questions about the causes, diagnosis and treatment of human diseases.

Dr. James Van Allen—everybody has heard about the Van Allen radiation belt around the Earth. Here is what he, the world's most famous astrophysicist, said:

> There has been nothing that resulted from the manned space program, essentially nothing in the way of extraordinary pharmaceuticals or cures for disease or any extraordinary crystals which have revolutionized electronics. Claims to the contrary are false—not true.

If you are not going to listen to people like James Van Allen, I might as well sit down and go home. If you are not going to listen to people like Alan Bromley and Dr. Rosenthal, what am I

doing standing here? What I am doing is quoting the top people in America, the people everybody should look to on issues like this.

Then we have the subject of growing cells in zero gravity. For some reason or another, we have this cockamamie idea that if you want to do research, if you can just do it in zero gravity, somehow or another you are going to get some benefit that you could not possibly get on Earth.

But here is what the Space Studies Board said on the subject:

The promise of protein crystallography and potential usefulness of microgravity in producing protein crystals of superior quality should not provide any part of the justification for building a space station. Growing crystals of superior quality in space is not close, nor is it likely to become close, to being cost-effective. It currently is, and is likely to remain, faster and very much less expensive to obtain superior quality crystals on the ground.

On making industrial crystals, here is what T.J. Rodgers, the founder of a semiconductor company said:

I run a semiconductor company, and I am director of Vitesse, a gallium arsenide semiconductor company. So I know about this stuff. All I can say is, this program of growing gallium arsenide wafers in space is a colossal con job, and there is nobody I know in my industry who wants those wafers in the first place. There is no economic benefit to increasing the purity of crystal beyond the point we can currently improve it. The cost is huge, and the economic benefit is almost nil for that last step.

Namely, going into space.

Dr. Al Joseph, founder of Vitesse, a gallium arsenide semiconductor company. I have met Dr. Joseph two or three times. Here is what he said on industrial crystals:

The idea of making better gallium arsenide crystals in space is an absurd—

Absurd.

business proposition. Even if you give me perfect and pure crystals made in space, it won't help me commercially, because 90 to 95 percent of my costs and 85 to 90 percent of the integrated circuit yield on a wafer is driven by what I put on the wafer and not so much by the purity of the wafer itself. The cost of one trip to the space station would finance just about everything the American electronic industry needs to do to ensure its technological superiority for years to come. That's for sure.

I have never seen a project or a mission as desperate for a justification as this one. I look at those ads Boeing puts out. Of course, Boeing is the prime contractor. They stand to make billions out of this. And so that makes their efforts slightly jaundiced to me. I certainly understand why any Senator in Florida, Texas, California, and Maryland, I can understand why any of those Senators would vote for this. They have a lot of jobs in their State, and those jobs pay well over $100,000 each. The cost of this project in jobs will be the most expensive jobs program in the history of America, by far.

On microgravity research, one of the most interesting statements I have seen was by Dr. Bromley when he talks about manned space flights and how important that is to microgravity. Dr. Bromley said:

The human habitation of the space station is fundamentally incompatible with the requirement that the microgravity experiments be unperturbed.

In other words, if you are operating in microgravity, you don't want anybody jarring around in the space station. And so he says, having men on board is incompatible with any research that requires zero gravity or even microgravity.

The Space Science Board of the National Research Council said in 1991:

Continuing development of the Space Station Freedom cannot be supported on scientific grounds.

One article in Newsweek in 1994 I thought had the best one. ''What is the space station for?'' That is a question that nobody has been able to answer.

The author said something which was demeaning in a sense to astronauts, which I am reluctant to quote. But he called them a bunch of people floating around in space looking for something to do. Well, they are all very brave men. We are always proud of our astronauts. I don't know when I have ever been prouder than I was watching our astronauts repair the Hubble telescope, a magnificent thing to behold and they saved the country a tremendous amount of money, simply because it was flawed in the first place.

In 1995 the National Research Council's Space Studies Board said:

The committee reaffirms the findings of the previous report that there is little potential for a successful program to develop manufacturing on a large scale in space for the purpose of returning high-quality, economically viable products to space.

And the American Physical Society, once more:

It is the view of the Council of the American Physical Society that scientific justification is lacking for a permanently manned space station. We are concerned that the potential contributions of a manned space station to the physical sciences have been greatly overstated and that many of the scientific objections currently planned for the space station could be accomplished more effectively and at a much lower cost on Earth on unmanned robotic platforms or on the shuttle.

There are a lot more quotes I could give you. I am just telling you what all the top people in the country say.

I think about the fact that we have been in space almost 35 years and we have had space stations up since 1971, and nobody walks in here and says, ''Here is where we found a cure for this,'' ''Here is where we make great advances of that.''

Tang, Velcro, magnetic resonance imaging, Teflon—the space station had nothing to do with those.

The space program had nothing to do with those. Yet those myths persist that somehow or other we have gotten Tang and Velcro and Teflon and all those things out of the space station. That has been debunked totally, so I will not use it anymore. But I will say this. There are not 10 medical doctors in this country who would support the space station if you gave them the option of putting this $2 billion into the National Institutes of Health, who in turn will put it out to the great researchers of this country to cure or make great advances toward curing some of the terribly incurable diseases we have—it is a no brainer. You think about the poor National Institutes of Health sitting over there able to fund only one out of every four good applications. I am not talking about one of four of all applications; I am talking about one out of four they would like to fund, that they consider viable, scientifically viable.

I saw a thing that my good friend, Senator GLENN, sent out about the National Institute on Aging, that they can do studies on aging on the space station. Do you know one shuttle flight would fund the National Institute on Aging for a full year?

When you say, What do you get out of the space station that you do not get out of just a shuttle flight? The answer is always, Well, it takes longer. You can't do this research in 2 weeks. It takes longer. I do not know how much longer.

Then if you ask what kind of research? You hear all of these possibilities. Well, we can look at this and we can look at that and we can look at this and we can look at that. They give you some complicated stuff. NASA has all that stuff cataloged on a computer over there. They can give it to you in spades.

As I say, we have been at it 35 years. We have not gotten anything yet except a space suit. Space suits are marvelous contraptions, but there is not much demand for space suits in this country. There is a lot of demand for education. There is a lot of demand to feed the poor. There is a lot of demand for cleaning up our rivers and lakes. There is a lot of demand for stopping gangs in high schools. There is a lot of demand for bringing crime under control and doing something about drugs. No demand for space suits.

So Mr. President, if I were to ask each Member of this body, if you had a chance to go back over the last 15 years and spend the $4 trillion that we spent that we did not have—the deficit has gone up $4 trillion since 1981—if I were to ask you, would you have spent the $4 trillion over the last 15 years the same way we spent it? Why, of course you would not have. If you had a chance right now, if somebody came to you and said, Look, here's a chance to save $74 billion on this space station. Do you think you could solve some of this country's problems? Why, it would be like a child at Christmas; people saying, Oh, my gosh, we could educate every child in the country for what that's going to cost. We could pave every road in the country for what that's going to cost. We could go through all those things.

Every problem we have in this country can be traced not to a lack of

money, but to the way we spent it. It would not have been for a space suit, even though I am a strong proponent of the space program. I got teary-eyed with the rest of America when I watched JOHN GLENN soar into space. I have gotten teary-eyed a lot of times, but not as teary-eyed as I am going to get after we have spent the rest of this $74 billion on the space station.

Mr. President, I yield the floor.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina [Mr. HOLLINGS] is recognized.

Mr. HOLLINGS. I thank the distinguished Presiding Officer.

Mr. President, just a brief statement. Someone, sometime, somehow should get out here and support the wonderful leadership of our distinguished colleague from Arkansas on this particular score. I have been relatively quiet on the space station because I have learned after 30 years how to stay quiet up here.

With respect to any kind of space program, necessarily having been the chairman and now the ranking member of the Commerce, Science, and Transportation Committee, I am very much an enthusiast of the space program. So my brief comment is to save that space program. I have watched it over the past several years.

I can remember back in 1993 that we had President Clinton coming in and having to ask that the space station be redesigned. Why, Mr. President? Because in 1984 when we started this program it was sold to the American public as an $8 billion program. Then in 1987 it went to $16 billion. By 1993, when President Clinton took office, it was some $30 billion. So the distinguished President said, ''Well, go back to the drawing boards. I don't want to come in here as the new Chief Executive and cancel an important program for space, so let's see what we can do to redesign it.'' And the cost went down on that redesigning to some $19.4 billion. That was in early 1993.

By the end of the year, those working on the program realized that even that was not realistic. So the President and Vice President announced a joint program with the Russians of $17.4 billion. That was only for the station itself. We found out, after we went down and asked GAO to look at the costs and everything else, that with launch and operational costs through the year 2012 the total cost of the space station is $93.9 billion.

So I am sitting there and I am trying to be a good friend, which I am, of the space program. I think it has been a wonderful American success. There is nothing that has thrilled me more than seeing the distinguished Senator seated here in front of me, the Senator from Ohio, who is a true American hero—we all thrilled at his courage and his valor and his common sense. I am sorry we differ on this particular score. But I am forced to talk money.

When I talk money, Mr. President, I get to that space program. I found out, when I listened at the hearings, that the science, aeronautics, and technology account of NASA, everything except the human space flight and the civil service salaries and related mission support—all the rest of it, other than the human space flight and civil service salaries—was some $5.9 billion this past year and by the year 2000 is estimated to be or cut back by NASA to $5.2 billion, which does not take care of inflation, which does not take care of cost-of-living adjustments and everything else.

So I am in a catch-22 situation. I want the space station like everyone else, but I am looking at the formative basic fundamental space program, including these unmanned programs as well as the rest of the human space flight account, and I am saying that investment in human valor and technique and courage, namely, the astronauts themselves, what we have going on in Houston and at Cape Kennedy is just too valuable to risk cutting to save this massive hardware project. We should not be cutting back and paring and scraping and everything else in NASA, like that little debate we are having and have just voted with respect to the Bion Program. I agree with that scientific program. The Post picked up the word ''monkey'' and said you can run a touchdown on this one, saying let us get rid of this program. We already had humans up there and now you want to finance $15 million worth of monkeys. That is good at election time, but it is outrageous nonsense.

Our problem here in the U.S. Senate is that we choke on the gnat and swallow the camel. All those debating and wanting to do away with the $15 million should be voting for the $15 million, and all those looking at space and its program, generally speaking, ought to be withholding votes for the space station. There are priorities, there are times we have to make choices, and we still, Mr. President, are not out of the woods in a budget sense.

The distinguished Senator from Illinois, Senator SIMON, has been a leader in trying to get us on a pay-as-you-go basis. He knows exactly of which I speak. I can give you exact figures where we still are increasing that deficit and debt. I say that too quickly, where we are still increasing that deficit. When we increase the deficit, we increase the debt, which increases interest costs on the debt, which increases taxes, because you can't avoid interest costs. They say there are two things you can't avoid, death and taxes. Well, put interest costs in the column with taxes. They can't be avoided. They must be paid.

All of that crowd running around on the floor of the U.S. Congress saying, ''I am against taxes, I am against taxes, I am against taxes'' are raising the debt $1 billion a day, and $353 billion is the estimate. If growth continues and inflation starts in, it will be more.

I was around, Mr. President, as chairman of the Budget Committee when we were at less than $1 trillion in debt. Then comes what gobbled us all up, namely that supply-side nonsense, which my distinguished friend from Kansas, Senator Dole ridiculed. He had a favorite story. I can hear it on the floor of the Senate. ''Mr. President, there is good news and bad news.'' You would say, ''Senator, what is the good news?'' He said, ''A bus load of supply-siders just went over the cliff.'' You said, ''What is the bad news.'' He said, ''There was one empty seat.'' Now, my poor friend Bob Dole has taken the empty seat, and we are doing it seriously here.

Haven't we learned anything going from less than $1 trillion under Ronald Reagan, who was going to balance the budget in 1 year, to $5 trillion under the Reagan-Bush administrations? And they are talking about who is really for balanced budgets. Well, to balance the budget, we have to do all of the above, as they say in the classroom, on that local option quiz, not just true or false. It is all of the above. Yes, you are going to have to freeze spending, cut spending, and yes, you are going to have to increase taxes to get on top of this monster.

We in the Budget Committee, with eight votes, two of our distinguished Republican colleagues, and six of us on the Democratic side, 10 years ago almost voted for a value-added tax dedicated to eliminating the deficit and the debt. The reason we did it is because we realized that freezes were insufficient. The spending cuts under the best of the best spending cutters, Ronald Wilson Reagan, were not enough. Gramm-Rudman-Hollings was not enough, automatic cuts across the board. So we needed taxes. We voted it at that time. Now, all discipline and reality is gone.

You have to withhold new programs. That was my vote against voluntarism—against AmeriCorps. Maybe I am the only Democratic Senator who voted against it. I helped start the Peace Corps. I can give you chapter and verse, where we had the conference down in Miami, and we called first the then-candidate, John Kennedy. We could not get him and we got Myer Fellman, his legislative assistant on the line. I proposed a program to Jim Gavin at the conference, head of Arthur D. Little, and quoting William Paley, called it the Freedom Corps. That is how we started it. The first broach of the subject was in Cadillac Square in Detroit, and we fleshed it out during the week to be presented in San Francisco.

So I believe in voluntarism, which the Peace Corps is. But I had to withhold on this new program because in order to get it we played the peanut in the shell trick. We took away 347,000 student loans—the money, therefore—in order to finance 25,000 volunteers, who get paid at the cost of $25,000 apiece. I wish I could have gotten out

of high school hoping to go to college and jumped into a $25,000 program. But that is what we are doing here, trying to identify with pollster politics. We have a real problem on our hands. We are not talking here on the floor of the U.S. Senate about saving the space program, and we should be.

When I see my distinguished colleague who has really gotten into the subject in tremendous detail, the Senator from Arkansas—and nobody here to support him—I feel I must speak by way of conscience, having listened, because we got these hearings before our committee on all the facets of the particular program. When you get the environmental satellites, the aeronautics programs, all those things that will be just practically decimated, and in order to go for a space station, then it is just bad planning—particularly at a time when the United States of America is in a position of having to stop the hemorrhage of tax increases, $1 billion a day. Tell the American public out there. The media are not doing their job. They have no idea. The candidates can run and get elected, saying, ''I am for cutting spending, I am for cutting spending, I am for cutting spending.''

Then they come up here with that silly nonsense of wanting to abolish the Department of Commerce. Who do you think I am on the telephone with now? The National Oceanic and Atmospheric Administration. I am trying to find out whether that hurricane now bearing down on South Carolina is going to hit my house again like Hugo did down in Charleston. What are we going to do with the patent office? We can go down the list of the various endeavors at that department. Our export endeavor was ridiculed. They ridiculed Secretary Brown, who was doing what every Governor worth his salt did. He got offices in London, in Tokyo, talking to industry, and that is what the Secretary should be doing.

That is the effort they want to get rid of, the Department of Commerce, and departments for energy, education, and housing, and then they come around here and put $93.9 billion in a program that is going to really hurt the basic space program, where we are going to have to really cut back on the valued astronauts, the human side, to pay for this hardware. We are just going to make it truly unattractive for them. Their sacrifice is great enough. They practically have to separate themselves from their families and everything else. Their diligence, and time and time again, their discipline and everything else is the hardest work in the world. There is not enough pay. But then they say, like we have at NIH—if you cut the research, the smart graduates see that of all the particular research grants that were presented this year, we were able to actually fund less than 20 percent of those who passed muster competitively. We are not funding. So the smart researchers, scientists, and graduates say, well, there is no future there. I don't want to work my way into trying to get a space station, saying, ''Wait a minute. There is no future there.''

So I have voted to support the basic space program. I have never taken the floor because I did not want to, as chairman of that particular program, indicate opposition to space. I worked with the distinguished Senator from Ohio when President Reagan was in office to save the space program. I will work again to save the space program. Mr. President, that is why I am here this afternoon to save the space program. In this budget climate, we cannot keep both the basic space program and the space station.

I yield the floor.

SPACE STATION FUNDING

Mr. KERRY. Mr. President, I join with the distinguished Senator from Arkansas as a cosponsor of his amendment and urge my colleagues to support this effort to terminate funding for the National Aeronautics and Space Administration Space Station program, which the General Accounting Office estimates will cost American taxpayers $94 billion.

Every day, the working families of Massachusetts have to make tough choices about what they can afford, how to pay the rent, and whether they can send their kids to college.

The Federal budget deficit, while reduced by two-thirds due to President Clinton's leadership and the courage of the Democratic-controlled Congress in 1993, is still too high and must be eliminated. It is a drain on our economy and, increasingly, the debt service we pay is robbing us of the ability to make badly needed investments in our future. I have been working in the U.S. Senate to make the tough choices necessary to balance the budget.

When measured against this imperative, I believe the space station's potential benefits—which I recognize—do not stand the test. I believe we must terminate funding for this program.

We cannot spend nearly $100 billion of the taxpayers money to fund the space station and then say that we do not have enough money to put cops on the beat, clean our environment, and ensure that our children get the best education possible.

The Senator from Arkansas, joined by several others of us, has made a valiant effort to halt this project again and again over the past several years. I am hopeful that this year the time has come when the Senate will exercise fiscal responsibility over our Federal budget, like any family in Massachusetts would over its own family budget, by terminating the space station immediately in order to reduce the deficit.

In 1984, NASA justified the space station based on eight potential uses. Now only one of these assignments remains: the space station will be used as a research laboratory. However, the costs of performing scientific research in space simply outweigh the potential benefits. It will cost over $12,000 to ship 1 pound of payload to the space station.

Many of my colleagues support the space station because it creates jobs. But the project's costs for developing jobs are exorbitant—those jobs will cost approximately $161,000 each. If invested here on terra firma, that amount of money would fund three or four or even more jobs.

As a member of the Senate Commerce Committee, I have fought, along with the distinguished Senator from South Carolina [Mr. HOLLINGS] and other Senators, to secure funding for many important scientific programs. Many of these programs have been shortchanged in order to help pay for the costs associated with the development of the space station. Allowing this extraordinary large science program to receive funding at the expense of these other so-called small science programs—which I believe will produce more products and more valuable products—is unacceptable. These small programs are creating thousands of high wage technology jobs at a fraction of the cost associated with the space station.

In the space program itself, the enormous level of funding consumed by the space station is crowding out much smaller programs for satellites and unmanned space probes, which most experts consider more cost-effective than manned missions.

These activities are aimed at expanding our understanding of the Sun, the solar system, and the universe beyond. The specific programs in this category include the ''new millennium,'' a program to build robotic spacecraft one-tenth the size and cost of satellites; the Cassini mission to Saturn, scheduled for launch in 1997; continuation of the Discovery missions, each of which costs less than $150 million, can be launched within 3 years of the start of its development, and is used by NASA to find ways to develop smaller, cheaper, faster, better planetary spacecraft; and the Mars surveyor program which funds a series of small missions to resume the detailed exploration of Mars after the loss of the Mars Observer mission in 1993.

Funding for projects in this area will be approximately $1.86 billion in fiscal year 1997 which represents a 9-percent reduction from last year. The academic research establishment is concerned that the space station appears to be draining funds from these other space projects.

Also included among the programs placed at risk by the space station is the mission to planet Earth, NASA's satellite program to explore global climate change by means of a series of Earth observing satellites launched over a 15-year period, beginning in 1998—a program endorsed by the National Academy of Sciences.

Given the structure of congressional appropriations bills, the enormous

funding for the space station has come not just at the expense of other space programs but at the expense of environmental research and other important activities that promise to improve the lives of our citizens and enhance our security more completely.

Building the space station has become a joint effort between the United States and Russia. We all want to see continued progress in United States-Russian relations. However, we should be encouraging Russia to house and feed its own people, provide jobs, and above all care for its deteriorating nuclear powerplants and dismantle its nuclear missiles and warheads. Asking Russia to commit its resources to pursue an uncertain and risky space station venture instead of encouraging it to tend to these important matters is unwise.

Some may argue that we have lost our vision if we terminate the space station. But their concern is misplaced. We still have vision. But the vision is to restore the American dream to our citizens, to restore their sense of safety on the streets, to invest in technology that will increase our competitiveness and the quality of jobs, to invest in research that will cure our deadly diseases, and to restore our communities to the condition where children can learn and dream.

It is time to decide. I think the American people are watching impatiently to see whether the U.S. Congress can deliver spending reductions for programs that are politically popular but fiscally unwise.

I commend my distinguished colleague from Arkansas, Senator BUMPERS, for his continuing leadership on this important issue. I urge all my colleagues to vote to terminate the space station.

Mr. PRESSLER. Mr. President, I rise to oppose the Bumpers amendment on space station. As the chairman of the Senate Committee on Commerce, Science, and Transportation, which authorizes and oversees the NASA budget, I believe space station will be the foundation of our space program for many years to come. In just 1 year, we will finally begin the assembly of the largest structure ever constructed in space. Space station also is one of the most ambitious international science exports ever undertaken. Space station will bring together the United States and its foreign partners—Japan, Western Europe, Canada, and its newest partner, Russia—in this great challenge to build an orbiting laboratory to conduct important microgravity and biomedical research requiring the unique environment of outer space. The research of space station is expected to eventually lead to new drugs to fight disease, improve our health, and permit the invention of new advanced materials. These benefits will be enjoyed and experienced by the entire world community.

In addition, we can expect commercial spinoffs and breakthrough technologies just as past NASA programs have spawned such great advances as communications satellites. Many products we take for granted today were the result of work performed on NASA missions. Laser faxes, pacemakers, advanced water filters, hearing aid testers, and Doppler radar systems all were generated from NASA projects. I am confident space station will usher in a new generation of such advances to benefit the world.

Mr. President, after a decade of hard work and planning, NASA is finally prepared to embark on its greatest challenge. Americans in 37 States have contributed their time and talent to brings us to this point. More the $15 billion already has been spent, not including the $6 billion invested by our foreign partners. Next winter, the first element of space station will be launched—a propulsion and navigation system—to begin the assembly of the facility which will conclude in the year 2002. It is in our national interest to move forward, into the future, and begin assembly of the space station.

Let me say my support for the space station is not without some reservations. For instance, I continue to be concerned about the program's heavy reliance on Russian contributions of critical hardware and launch services. Since joining the program 3 years ago, our former cold war rival has gone from being a nonparticipant in the program to an indispensable partner. For example, over half of the 73 space missions to assemble and supply the station are Russian launches, compared with about 27 shuttle launches. Moreover, both the navigation and propulsion system as well as its crew rescue vehicles are to be built and launched by the Russians. While NASA assures Congress and the Nation that the space station could still survive even if the Russians were to withdraw, this may be wishful thinking.

I am also concerned about the cost of the space station project. NASA estimates the total cost of the program at $30 billion through the year 2000. In a report released last month, GAO indicated space station is experiencing troubling cost overruns which, if left unchecked, could ultimately balloon to $400 million.

In addition, there have been recent reports of cost increases which threaten to exhaust much of the reserves budgeted for the project. If this program experiences any significant cost overruns, its huge budget could start to crowd out other worthy space programs like Mission to Planet Earth—which I consider the most important and relevant of all of NASA's activities. Clearly, this result would not be in the public interest.

These concerns were addressed at our July 24 hearing on space station and again at a meeting between the subcommittee chairman, Senator BURNS, and NASA Administrator Dan Goldin. With regard to the Russian issue, Vice President GORE and Administrator Goldin recently traveled to Russia where they negotiated an agreement in principle regarding the respective roles and responsibilities of Russia in the program. The agreement will be the basis for a formal memorandum of understanding to be finalized later this year. Participants in the United States-Russian talks are confident the Russians will make a firm commitment to provide the support to which they have agreed. However, in the event the Russians do not perform, NASA has viable contingency plans to move forward using United States contractors to replace any lost Russian contribution.

As for the space station costs, NASA has assured the Commerce Committee the alarming press accounts are overblown and the program will exceed neither its $2.1 billion annual cap nor its cost estimate of $17.4 billion from October 1993 through assembly completion in the year 2002. NASA is mindful of the potential for cost overruns and the need for better cost control systems. In that connection, the head of the space station program, Wilbur Trafton, testified before our Space Subcommittee that NASA has budgeted $2.9 billion over the program's life to cover unexpected cost overruns. Administrator Goldin is an exceptionally talented administrator so I have great confidence in NASA's assurances the program is on track and within budget.

Accordingly, I support the space station, but as chairman, of the Commerce Committee, I continue to monitor its progress closely through our oversight function. The program has come a long way from the early 1980's when the space station was still a dream of President Reagan and existed only as the blueprints of NASA engineers. Space station is now almost a reality. The plans have been finalized, hardware has been built, and the launches have been scheduled. Next year the space station adventure will finally begin with the launches have been scheduled. Next year, the space station adventure will finally begin with the launch of its first piece of hardware. Now is the time to go forward, not backward, and move the country and our technology into the 21st century. I hope my colleagues will join me in voting for this country's future by opposing the Bumpers amendment. Thank you, Mr. President.

Mr. SHELBY. Mr. President, I rise today to oppose the amendment offered by Senator BUMPERS to terminate the international space station. The distinguished Senator from Arkansas again tells us that America should abandon its commitment as the leader of this historic endeavor. Supporters of this amendment have many reasons why we should desert our international partners just when we are about to launch the first sections of this incredible project into orbit. Mr. President, I reject these arguments for a number of reasons.

First, Mr. President, the opposition talks of cost overruns, and yet, despite

the complexity of this task and the various challenges that will be encountered as the station moves from the drawing board to reality, NASA is committed to remaining within the $17.4 billion projected cost for the redesigned space station. Frankly, Mr. President, we have cut and trimmed the resources available for the space station to the point where NASA has little, if any, flexibility in dealing with the inevitable challenges it will face. Today we debate the very existence of the space station when we should be talking about maximizing NASA's flexibility within the limits that we have already placed upon them.

Second, the opposition tells us that NASA may divert science funds to construction accounts, thereby leaving the station with no scientific capability at all. While NASA may rephase funds intended for developing scientific experiments, this management initiative in no way reflects a reduction in NASA's commitment to research on the space station. Some payload facilities are developing ahead of schedule, and NASA is wisely coordinating these elements to be complete when the station is ready to accept them. This rephasing of funds will allow NASA to augment its program reserve accounts to place them at acceptable levels. This is the type of planning and initiative that we should support, not attack.

Third, we are told that the contractors involved in the station's construction are encountering significant problems with the first two nodes. Mr. President, if all great research and development projects were terminated because they encountered significant problems, we would be without many, if not all, of the greatest discoveries in human history. Yes, the space station is a great challenge, but, the men and women working on the station have yet to encounter an obstacle that they cannot surmount. In fact, node 1 has recently completed a successful pressure test and will now undergo a post-test inspection and final preparation for launch. This is an exciting time for the space station and we should be focusing our attention on its permanent successes and not its temporary setbacks.

Fourth, termination of the international space station will undermine the credibility of the United States with its international partners who have already invested more than one-half of their planned $10 billion contribution. We have taken the lead on this project and given our word that we will see it through. Leadership requires resolve and character. It is not in the American character to break our promises and abandon our friends and partners, especially when the prize we all seek is within our grasp.

Finally, Mr. President, termination of the space station will end any promise of meaningful space-based long-duration research in cell and developmental biology, human physiology, biotechnology, fluid physics, combustion science, materials science, low-temperature physics and the large-scale commercial development of space.

For decades, the space program has driven science and technology development, motivated our children, and inspired a nation and the world. Mr. President, we stand at the threshold of a new millennium. Let it not be said that we squandered one of our first opportunities for greatness in the 21st century.

I urge my colleagues to oppose this amendment. Mr. President, I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, I rise to propound a unanimous-consent request. We have I believe cleared this on both sides of the aisle.

I ask unanimous consent that the vote occur on or in relation to amendment No. 5178 after 2 hours of debate and that the time be equally divided between Senator BUMPERS and Senator BOND with 15 minutes of the time under my control allocated to Senator HUTCHISON, 10 minutes allocated to Senator MIKULSKI, 20 minutes allocated to Senator GLENN, and that no second-degree amendments or motions to refer be in order prior to the vote in relation to the Bumpers amendment.

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

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. SIMON. Mr. President, I have great respect for my colleague.

The PRESIDING OFFICER. Who yields time to the Senator from Illinois?

Mr. SIMON. Will the Senator from Maryland yield 5 minutes to me?

Ms. MIKULSKI. I can only yield Senator BUMPERS' time. Actually in behalf of the opposition to my position, I will graciously yield to one of the great Senators 5 minutes.

Mr. SIMON. I thank the distinguished Senator from Maryland for her graciousness.

I have great respect for the Senator from Ohio. No Member of the Senate has shown more courage. Any of you who have visited the Air and Space Museum and seen that little thing that JOHN GLENN crawled into, I do not know very many human beings who would risk what he did.

So I speak in opposition to his position with great reluctance. But my friends, we simply have to get hold of things.

This morning's New York Times has an op-ed piece by Paul Krugman, a professor of economics at MIT. He says, in referring to the two candidates for President:

> The sad truth about this year's economic debate is that the biggest issue facing the Federal Government—the issue that should be uppermost in our minds—is not being discussed at all. Most of what happens in our economy is beyond the reach of government policy. In particular, the evidence suggests that it is difficult for the Government to have any visible effect on the economy's long-term growth rate.
>
> There is one thing, however, that the Government can and must control: its own budget. And it is heading inexorably toward fiscal disaster, as the baby boomers in the tens of millions march steadily toward the age at which they can claim Social Security and Medicare. True, the crisis is still about 15 years away. But we expect responsible adults to start preparing for their retirement decades in advance; why shouldn't we ask the same of our Government?
>
> Unfortunately, everything that a responsible government should be doing now—raising taxes, raising the retirement age, scaling back benefits for those who can manage without them (that means for the affluent, not the poor)—is political poison.
>
> It may be too much to ask the candidates to preach responsibility to the public, but we can at least ask them not to make things even worse by offering goodies the nation cannot afford.

My friends, this debate is an illustration of why we need the balanced budget constitutional amendment. There are a lot of good things that we would like to do. If we had a $100 billion surplus, I probably would vote for a space station, even though the Aviation Week & Space Technology of August 26 starts off its story—the heading is ''Cost Increases Add to Station Woes''—with the first paragraph:

> NASA is considering ways to scale back early scientific work on the international space station to pay for cost increases that threaten to exhaust reserves for the project.

There are a lot of things that we would like to do that we just cannot do. I think the space station is one of them. I happen to believe that both political parties are being irresponsible right now in asking for a tax cut. Would I like a tax cut? Sure. Would the distinguished Presiding Officer, my friend from Idaho, like a tax cut? Sure. We ought to restrain ourselves and not have tax cuts until we have the surplus. That means that we are going to have to restrain ourselves on some spending that would be nice but is it essential for our Government. And a space station is one of those things. I think we have to use some common sense.

I say to my friend from Arkansas who is here that I am going to be leaving the Senate shortly. You are not going to get an amendment like this passed until we have a constitutional amendment requiring a balanced budget. Until that time, candidates for office are going to continue to promise tax cuts, and we are going to vote for things like this that really do not make sense. I hope that one of these days we will recognize that Thomas Jefferson was right when he said we need fiscal constraint in the Constitution that we do not have.

In the meantime, let us do what is right on this and say, it would be nice, it is not essential, and let us not vote for it. That is what we ought to do.

Let me just add. I want to commend my colleague from Arkansas for year

after year after year pursuing this. I know he feels like he is in the bottom of a well of no one listening. But if we do not push for this kind of restraint we are going to have fiscal chaos in this country. That is the simple reality.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. BOND. Mr. President, I yield 20 minutes to Senator GLENN.

The PRESIDING OFFICER. The Senator from Ohio is recognized for up to 20 minutes.

Mr. GLENN. I thank the Chair.

Mr. President, I gave a very lengthy statement yesterday on the space program, and the space station in particular, on items that got into considerable detail on the various aspects of the scientific reasoning for it, the corollary between some of the things that happened to astronauts in space and the normal processes of aging here on Earth, and how some of these things are being investigated, or planned to be investigated more in the future than they have been up to now. But I think these are very, very interesting. But for a few minutes, I will not use all of my 20 minutes on this, and I do not want to go back and address all of those things I did yesterday much as I would like to have that time. I know we are under some time constraints. But I want to make sure that we get into the RECORD, or that we put out for our colleagues' consideration, some items that express concerns about the cost growth and schedule slippage on the space station without getting into the scientific background of justification of why we are doing this thing at all because those were put out by my friend from Arkansas, Senator BUMPERS, in a ''Dear Colleague'' letter.

Let me just respond to his comments of a little while ago. I do not have a better friend in the Senate than Senator BUMPERS. We came in here the same day. I would say that our voting records are nearly similar, except once a year we get into opposition on this particular item. I always regret that we have to oppose each other on this because we both feel strongly about this particular issue. So this is not a slam at Senator BUMPERS. But I do want to respond to some of the things that were put out in his ''Dear Colleague'' letter.

In that letter it stated, ''Scheduled delays in cost overruns will add additional billions to the price of the project.''

The bottom line is that as of now the station is over 45 percent complete. The hardware is being cut. This is not some prospective thing off into the future. The hardware is in existence; 45 percent; 122,000 pounds of the space station have already been built and are currently undergoing testing. According to GAO, the $17.4 billion project is about $89 million over cost and about $88 million behind schedule. I repeat. It is a $17.4 billion project, and only $89 million over cost. That is roughly within 1 percent of the planned targets. I think that is better than probably 99 percent of Government projects, or maybe even industrial projects also.

I think very clearly NASA and its contractors need to strive to complete the project on time and on budget, of course. The facts indicate that the program is slightly—I say slightly—over budget; the figures I just gave—and behind schedule. However, NASA managers are taking steps to reverse that trend. A very important tool in NASA's case is its contract with the prime contractor, Boeing, which ties a very substantial portion of Boeing's payment to successful performance of the contract.

Here is another very important management tool for dealing with cost growth. Administrator Goldin set up a program reserve, so included within these planned $17.4 billion program costs are program reserves. Nearly $3 billion of the station's budget fall into this category. These are funds which are to be used for unplanned or unforeseen costs. It is a research program. You cannot define it like buying 22 trucks off the line at GM or Ford or some place where you know the exact costs, and so on. So you do have to plan for unplanned or unforeseen costs. That is a likely occurrence when one is designing and building and testing and operating a very unique research facility, the only one of its kind.

Up until recently, NASA had not had much need to tap into these program reserves. The program was going along well, being well managed, staying within budget. However, the last half of fiscal 1996, 1997, and 1998 are the peak construction and spending years. It is during this time that program managers anticipated they might need to use reserves. The bottom line is that there are adequate reserves to fund all anticipated cost growths that are foreseen right now.

Also, my friend from Arkansas said in that ''Dear Colleague,'' ''NASA is considering making up the shortfall by diverting funds intended for developing scientific experiments on the station. If this happens, NASA could end up with a space station with no scientific capability at all.''

That is a very troubling assertion. But my colleagues know, I believe, that research to be performed on the station will significantly benefit those of us right here on Earth. The research is the reason we have the program. It is not just to let a few people go up and experience the view from up there in space. It is to do the basic, fundamental research in the new laboratory of space, a capability that humankind has never had before through our hundreds of thousands of years of existence here on Earth. For the first time, we can use this new laboratory of space.

So I have asked NASA about this issue and NASA reports the following:

Station managers have taken steps to ensure that the scientific payloads are being developed on a parallel course with the space station vehicle and are synchronized with their planned use aboard the space station. NASA has shifted some funds from the space station science accounts to the program reserve accounts where they may be needed for construction of the vehicle itself during the next year or so. Before these schedule changes were made, some of the scientific payloads were moving ahead of schedule and would have been completed before they would have been used on the station. The rephasing of some of these development activities also has the effect of freeing up funding planned for the next 2 years but that would simply augment the program reserves and place those reserves and figures at a more acceptable level as a percentage of the total budget for those 2 years. So in the end there is no reduction in the commitment to research on the space station. It is a matter of timing, not a reduction in scientific capability.

The overall level of funds for science activity has not been reduced one penny.

Also it has been said, an issue has been made of the problems that have been encountered by NASA and Boeing in building the space station's nodes, the connecting pieces for the space station modules. Earlier this year one of the nodes failed a pressure test. However, this problem has been corrected. Last week, just a week ago, the nodes passed the pressurization test. There have been some costs in schedule penalties when this problem has been addressed. However, the costs can be met through the use of the program reserves I mentioned a moment ago.

Let me say this pressure test takes it up to about 1½ times what the normal pressure will be in that structure while it is in space. They have approximately a sea level pressure, slightly over sea level pressure, which is 14.7 pounds per square inch. I think it is planned that the station will operate at 15.2, and they went up to 1½ times that 15.2, and it passed with no problems. So NASA does not believe that any delays in launching any space station element will occur as a result of this now corrected problem. It was a problem at one time, but that has been overcome.

Finally, the Senator from Arkansas has asserted that the Russians are falling behind on their share of the program and that the United States is bailing out the Russians by renting time on the *Mir* spacecraft. The Russians play a crucial role in the international space station, but their participation will result in the United States ultimately spending less on the program rather than more.

The schedule problems encountered by the Russians have been the subject of high level government-to-government negotiations. In July of this year, 1996, Prime Minister Chernomyrdin and Vice President GORE signed a document detailing key milestones for both sides to meet in order to keep the program on schedule. This meeting resulted in needed funds being freed up

within the Russian bureaucracy so that work on the Russian components could continue. That is just a month and a half ago, a little less than that. The Russian officials have assured NASA that their schedule slippages can be eliminated as long as necessary funding levels are maintained.

In the meantime, the United States and Russia are continuing to cooperate on what I think is an exciting program, a productive joint program on the *Mir* space station. As many of us are certainly aware, U.S. astronaut Shannon Lucid is still up there right now completing a record-setting stay on the *Mir* space station. When she comes back down in another week or so, I believe she will have about 185 days in space. When she comes back down, she will be replaced by another U.S. astronaut, John Blaha, thus continuing what will eventually be 2½ years of continuous U.S. presence on the Russian station. This streak began with Norm Thagard's mission last year.

The goals of this first phase of United States-Russian space cooperation are being met and include, No. 1, experience in long-duration space operation. As discussed above, U.S. astronauts are getting invaluable experience to better understand the requirements of sustained permanent space operations. This experience will enable NASA scientists and engineers to more productively plan for the research that will be conducted on the international space station.

No. 2, science research. U.S. astronauts Norm Thagard and Shannon Lucid have conducted literally hundreds of experiments during their respective stays on *Mir* and hundreds more are being planned over the next 2 years.

So, Mr. President, those are just a few comments in rebuttal to what was put out in the ''Dear Colleague'' letter that was sent around. I will reserve the remainder of my time here to reply to some of the other areas, so I will yield the floor at this time. I reserve the remainder of my time.

How much time do I have remaining, please?

The PRESIDING OFFICER. The Senator has 8 minutes 50 seconds.

Mr. GLENN. I thank the Chair.

Mr. BOND. Mr. President, I would like to have Senator MIKULSKI recognized for her time, and would allocate 10 minutes to her.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I rise again this year in support of America's space program and in opposition to the Bumpers amendment that strikes the funding for the space station. How ironic it is, at this time of great space discoveries like the possibility of life on Mars, that my colleague wants to eliminate one of NASA's greatest programs. Once again, I will come to the defense of the American people who depend on the space station in so many ways.

What do I mean? I am talking about jobs. Killing the space station is about jobs, and jobs in the United States of America. It is about putting people out of work or keeping people on the job, many thousands of men and women who work directly in the program or in factories that work on the space station itself. There are many thousands whose jobs result from the multiplier effect of the station's construction. Most are middle class, blue and white-collar workers who make family level wages, with health security, and we want to be sure that they have paycheck security, health security and can count on this job.

They are the same kind of Americans who are already affected by military base closings. For my colleagues who insist we need a defense conversion strategy to deal with the end of the cold war, the space station is an opportunity to retain our high-tech manufacturing skills for a civilian economy.

My opponent claims that commercialization as a result of the space station is not materializing. The 1993 National Association of Public Administrators committee report stated this:

> Through university-based partnerships with industry and government, and also through traditionally federally sponsored commercial space initiatives conducted at diverse NASA field centers, private investment in commercial space processing ventures has grown.

So I urge my colleagues not to be lulled into thinking that killing the space station will not have a serious negative effect on our economy, the economy of the State of Alabama, and more important, on the lives of thousands of Americans throughout the entire United States, both in Alabama and in Texas.

Also, let us fight for the space station for scientific value. One of the points raised by my opponent is there is little science of any value that will be done aboard the space station. Quite the contrary: The science proposed for the space station cannot be accomplished on Earth. The space station science requires access to very low levels of gravitational force, and it must be sustained. It is technologically impossible to create a low-gravity environment for this type of research without going into space orbit.

The thinking behind the Bumpers amendment is the same kind of thinking that would stifle our understanding of bacteria and germs that cause disease. It is that kind of philosophy that would have stopped Madam Curie from discovering radium, from which the field of radiology developed, or Jonas Salk from finding the cure for polio.

With technology being developed for the space station, scientists are already beginning to understand how cancer cells form in the human body, and they can do so because of a zero-gravity environment which permits them to grow tissues just like they are growing in the human body. What does that mean? We can actually simulate tumors in a way we could never do here on Earth. For those who say, ''Do not give it to NASA, give it to NIH,'' there is a joint agreement between NASA and the National Institutes of Health, just on this exact same kind of life science research.

This type of research has produced important microgravity research findings. This is particularly so in the area of protein crystal growing. No other lab on Earth can simulate that kind of tissue growth. Other labs must contend with the distorting factor of gravity.

What does the absence of gravity mean? It will allow the kind of research that produces new insights into human health and disease treatment, like heart and lung functions, cardiovascular disease, osteoporosis, immune system functionings, and so on.

The other reason we support the space station is because of technological innovation. The space station is not only about science, it is about technology development. By the mere fact of building the station and by the mere fact of doing medical and life science and crystal development, in order to do the research we have to develop new technology. That can be medical equipment technology, mineralization techniques, and a whole series of other things. That has been the history of NASA.

Also, let us be clear, the space station is about the entrepreneurial spirit that has been at the heart of our country's aerospace industry. In the history and development of ideas, there are always the naysayers who say let us stick with the status quo. But we can do better. Through history it has been bold people with entrepreneurial ideas, backed up with resources, that invented new technology that led to new products that led to new jobs that has made the United States of America an economic superpower. We are an economic superpower because of our scientific and technological development. In high-technology innovation, the United States has always led the way. U.S. competitiveness can only be maintained by long-term, cutting-edge, high-risk research and development.

So I will continue to fight for the space station, both for what it represents now and what it represents in the future. I will vote no on Bumpers and yes for America's space program for the 21st century.

I yield back such time as I might yet have.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER (Mr. THOMPSON). The Senator from Missouri.

Mr. BOND. Mr. President, I yield the time allocated to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I thank the Senator from Missouri and the Senator from Maryland for the leadership that they are providing in

making sure that we have NASA and the space program, because they know how much this has done for our country. They have been there with me, looking at what the space station will be able to do. We have walked through the modules. We have looked at the experiments and how they are done in space and at the unique attributes they have in that space station which will allow them to do things they cannot do on Earth. They cannot duplicate the microgravity conditions on Earth.

I just wish the Senator from Arkansas would go with me one day and see what a difference it makes for our country that we have this commitment to space and the future, the essence of what we are debating today, when we take up funding for the space station yet again. This is the 14th time that there have been attempts to terminate the funding, but fortunately Congress has been farsighted, and the administration has as well, to make sure we do not walk away from the future.

What we are talking about today is whether we are going to summon the vision to continue this quest in cooperation with other nations. Or would we clip the wings of our civilization and just hunker down here on Earth?

The benefits of NASA research are long proven. Every dollar spent on space results in $2 in direct and indirect economic benefit. Breakthroughs in medical technology that we now take for granted are rooted in NASA technology. For example, NASA has developed a cool suit for Apollo missions which now helps improve the quality of life of multiple sclerosis victims.

NASA technology has provided pacemakers that can be programmed from outside the body. NASA has developed instruments to measure bone mass and bone density without penetrating the skin. These are now widely used to give a test for osteoporosis so that a woman can get a benchmark and then know if she is losing bone loss and needs to add extra calcium to her diet.

NASA research has led to an implant for delivering insulin to diabetics that is only 3 inches across. It provides more precise control of blood sugar levels and frees diabetics from the need for daily insulin injections.

The space shuttle has begun to lift the curtain on the enormous opportunities that lie ahead in a manned microgravity laboratory. The station will allow scientists to modify their experiments in orbit and take advantage of the unanticipated results. This is the kind of flexibility that has historically led to the greatest scientific breakthroughs and will do so again to fight cancer, osteoporosis and diabetes.

Despite these benefits, some critics have said that the scientific returns for more than a decade of experiments in weightless conditions are not really cost-benefit approved. Dr. Michael DeBakey, the chancellor and chairman of the Department of Surgery at Baylor College of Medicine said:

> Present technology on the shuttle allows for stays in space of only about 2 weeks. We do not limit medical researchers to only a few hours in the laboratory and then expect them to find cures for cancer. We need much longer missions in space in months and years to obtain research results that may lead to the development of new knowledge and breakthroughs.

So, Dr. DeBakey is saying we don't need less time, we don't need less emphasis on the space station, we need more. Dr. DeBakey knows what can be done, because he is one of the innovators in this field.

Life and work on the station also generates breakthroughs that improve life on the ground. We expect to develop lighter, stronger, superalloy metals, lower cost heating and cooling systems, longer life power converters, safer chemical storage, air and water purification, waste management, and recycling systems.

As with the Apollo program before, the space station will be the proving ground for advances in communications, computers, and electronics. Research equipment developed for the space station is already paying dividends. Scientists are growing ovarian tumor samples in NASA's new cell culturing device so that tumors can be studied outside the body without harm to the patient. A similar trial is underway for brain tumors.

The question we are asking today is, will we pursue this knowledge? Science alone is not the reason that we are reaching into space. As the world redefines itself in the wake of the cold war, the space station is a catalyst for international cooperation and a symbol of U.S. leadership in a changing world.

We now are drawing on the expertise of 13 nations—the United States, Canada, Italy, Belgium, The Netherlands, Denmark, Norway, France, Spain, Germany, the United Kingdom, Japan, and Russia. Failure to fund the space station would undermine our partnerships with Europe, Japan, and Canada which have expended over half of their $9 billion commitment to the $17 billion space station program. It would cause them to conclude that they can no longer count on the United States as an ally; that our commitment would not be good. Mr. President, we do not want to be bad partners. That is not the legacy that this Congress would want to leave.

I also remind my colleagues that the space station and NASA has not just been out there in a vacuum as we have been trying to cut the rate of growth of spending. They have stepped right up to the line. They have taken their fair share. Dan Goldin has a zero-based review in place that has shaved the cost off NASA and has made it more efficient for the taxpayers of this country.

A 1993 redesign of the program resulted in a space station that is $6 billion more cost efficient. I watched this process closely, and I commend Dan Goldin for this approach. If every agency would do this, we would have a 35-percent budget reduction, saving taxpayers $40 billion more and be able to continue with the mission.

So I do not want us to be the Congress in the last half of the last decade of the 20th century that is remembered for displaying the failure of will. No, Mr. President, we have goodwill in the space agency, in the space station and abandoning it would signify, I think, a myopic view of our country and of the world.

America has been the leader in space, and now we have a chance to cooperate with our friends around the world and continue to do better for mankind. This is not the time to walk away from the gigantic investment we have made. Any scientist will tell you that you cannot predict what the results are going to be when you go into research, but you can make sure that we have the underpinnings that will keep America vibrant and growing so that we can absorb the new people that come into our system, so that we will create the new industries that create the new jobs that will keep our country economically strong.

Our young people must have a place that they know they can go for scientific research and breakthroughs for the future. As we are going into the 21st century, we cannot go back into the 18th century and say, ''Space is out there, but we're not going to explore it.'' Mr. President, that is not the American way.

So I hope my colleagues will join us for the 15th time and make sure that we send the clear signal that we are committed to this research, that it is right for America and that we will do better things for the world because of it.

Mr. President, I yield the rest of my time to my colleague from Texas, Senator GRAMM.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, how much time do we have remaining?

The PRESIDING OFFICER. Six minutes.

Mr. GRAMM. Mr. President, let me commend my colleague from Texas for an excellent statement. We have debated this issue with our dear friend from Arkansas on many occasions. I feel confident that the outcome of the vote today will be the same as it has been on the many previous occasions that we have voted on this matter. And since my colleague from Texas has done such a great job of focusing in on the space station, let me take a little bit bigger picture and try to develop that.

In 1965, we spent 5.7 percent of the Federal budget on nondefense research and development. In 1965, we invested 5.7 percent of the Federal budget in new science, new technology, new know-how to plant the seeds to generate jobs in the future.

Today, under the budget submitted by the President, including the funding level that we have for the space station, we are spending 1.9 percent of the

Federal budget on nondefense research and development. From 1965 until today, our investment in science and technology in the future has declined from 5.7 cents out of every dollar we spend in the Federal budget down to 1.9 cents out of every dollar we spend in the Federal budget.

From 1965 to 1997, we have had an explosion in Federal spending, and yet in the midst of this explosion in Federal spending, we have increased spending not as an investment in the future, not as an investment in the next generation, not as an investment in science and technology, but, by and large, we have spent our money on social programs. And in the process, our Government has become the largest consuming institution in our society and one of the smallest investing institutions in our society as a percentage of the budget.

In 1965 we were plowing back 5.7 cents out of every budget dollar into investments in science, technology, the future, investing in the next generation of Americans. We have seen that fall progressively down to the point in this budget where we are investing only 1.9 percent of our Federal budget in science, technology and the future. We are investing increasingly in the next election by spending money on social programs, and we are not investing in the next generation by investing in science and technology and the future.

If you look at the Bumpers amendment, what it says is: Prohibit funding for the space station except for program termination costs. It in no way lowers the annual spending caps. It in no way says these savings have to be applied to deficit reduction. So as we all know, since we are operating under spending caps, every penny that would supposedly be saved, if we kill the space station, would end up being spent in other areas of the Federal budget.

If we did this, if we kill the space station, we would be going further in taking money away from investments in the future, in the science and technology on which jobs in the future will be based and we would basically be converting that money into consumption programs where we would be investing in social programs and investing in the next election and not the next generation. This would be a tragic mistake.

I am confident we are not going to do it today. Our investment in science and technology is already too low. I would like to have a 5-year program to double investment in science and technology instead of cutting it as the Senator from Arkansas proposes.

No nation in history has benefited so much from science and technology as the United States of America. In this century we have been the principal contributor of all nations in the world to science and technology. And we have built a technological base that we have used better than any other country in the world. Our global leadership is threatened because we are not making the investments that we once made in pure science and technology.

No other institution in our society is capable of building the space station. If we do not make this investment, we are again saying we are going to take money out of investment in the future and we are going to invest it in social programs today. That would be a mistake.

I urge my colleagues to reject the Bumpers amendment as we have on 14 previous occasions. We have already cut the space station. We have refocused it. We have broadened the participation. We have taken on the Russians as partners. We have spread the cost of the program. We have made international commitments. We have saved money by paring back on the program. Now is the time to move ahead and build the space station. This is not the time to cut spending for the space station to free up funds to go into social programs. Let us invest in the next generation and not the next election by defeating the Bumpers amendment. I yield back the balance of my time.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, I wish we had a lot more time because there are many things to be said. I used a lot of time yesterday and will not be able to repeat all that today. Let me talk for a moment about this protein crystal thing because I think there have been some misconceptions put forth on the floor here. This is not something we are just talking about that may be out there some time in the future. It is here now.

Private industry is working with the NASA Center for Macromolecular Crystallography to produce high-quality protein crystals for new development. Let me tell you the companies that are involved with this: Schering-Plough, Eli-Lilly, Upjohn, Bristol-Myers, Squibb, Smith Kline Beecham, Biocryst, DuPont Merck, Eastman Kodak, and Vertex. This is not some time in the future they may do this. They are using them now to research cancer, diabetes, emphysema, and immune system disorders, and including the HIV virus.

There has been such rapid advancements in these particular areas. And this protein structure that can be developed in space promises to revolutionize the pharmaceutical industry. You would not have all these companies directly involved with NASA if that was not true. Researchers seek to define the structure of proteins and design drugs that interact with them.

Penicillin is a well known example of a drug that works by blocking a protein's function. Orbital experiments provide researchers with superior protein crystals for analysis and they also help scientists understand the fundamental concepts about the crystallization process. You cannot do that on Earth. The information could be used to improve crystallization techniques here on earth however.

Rationally designed drugs promise to revolutionize health care. Orbital research will feed this revolution with the crucial protein structure data it needs. NASA researchers have already used—not in the future—but already have used space shuttle missions to produce protein crystals for a variety of clinical conditions, including cancer, diabetes, emphysema, and immune system disorders.

What if we broke through with something on HIV or found out from something from these protein crystal studies that space-grown crystals were in such a way different that we came up with a new approach to HIV or something like that? We would think that was well worth anything that we were looking into on the whole space program.

Mr. President, one other area—without getting into a lot more of those details—there is one other area I wanted to mention here today. You know, we have a lot of things that occur to astronauts when they are up there in space flight. After a few days their bodies start changing. They have a lot of physiologic changes. On the floor here yesterday I had the book that NASA has put out on space medicine, space physiology. If you look at that and then you look over into the Merck Manual on Geriatrics you find some very similar things, you find out that some of the things that occur to astronauts in space in a very short period of time also occur to the elderly in the normal processes of aging.

I wish we could have those 44 million Americans today that are over 60, those 44 million Americans listening to this. I am sure we would have every single one of them supporting the space program when they realize that such things as bone density changes that affect the aging here on Earth also affect astronauts. Orthostatic intolerance, the difference in blood pressure when standing, sitting, and so on, decreases during flight and returns to normal, but it is a symptom associated with aging.

Balance and vestibular problems, dizziness, the inability to maintain their balance upon returning from a flight, sleep disturbances, muscle strength, immunology. The body in space reduces its immunology. Why the immune system? Why, we do not really know. The elderly have the same thing happen. Normally, as people get older, their body's immune system goes down hill. If we could just make some experiments to find out why this occurs and trigger off the body's response, its own immune system against cancer and AIDS and all the other diseases and all the other infections we have here on Earth, that one area alone would be worth everything that we are spending in this area.

Reduced absorption of medicine and nutrients in the stomach and gut evidenced during space flight and also suspected with many elderly. Perhaps

some of the elderly do not get the nutrients, and their drugs are not as effective as they otherwise would be.

Cardiac electrical activity changes, serum glucose tolerance changes, reflexes change, all these things that occur to astronauts in space and also occur to the elderly normally here on Earth.

I know I am rapidly going through these things. I wish I had time to go into these things in more detail. But these are areas of research for the future that I think are extremely, extremely valuable.

Mr. President, one thing we have not mentioned either is the international aspects of this. Isn't it nice that we are cooperating in space rather than fighting each other here on Earth? I think that is an important item. And 13 nations, the United States, Canada, Italy, Belgium, The Netherlands, Denmark, Norway, France, Spain, Germany, the United Kingdom, Japan, and Russia are joining together in the largest scientific cooperative program ever, the biggest single scientific cooperative program ever in the history of this country.

We are drawing on the history of the world. We are drawing on Russian expertise and long duration space flight and existing Russian technology and equipment. And the international space station will help redirect the focus of Russian technology programs to nonmilitary pursuits.

This service is a symbol of the opportunities available through a peaceful international initiative. We will have several laboratories aboard the space station: the United States lab, one other United States facility, the European space agency Columbus Orbital Facility, a Japanese experiment module, and three Russian research modules. Partner nations will contribute $9 billion to the U.S. cooperative effort. And international contributions mean international cooperation bringing together the best scientific minds worldwide to answer fundamental scientific questions in this new laboratory of space.

Mr. President, I have used on the floor before the statement by Daniel Webster when they were contemplating in the Senate of the United States whether to provide money to buy land beyond the Mississippi. And he said as follows:

> What do we want with this vast worthless area, this region of savages and wild beasts, of deserts of shifting sands and whirlwinds of dust and cactus and prairie dogs? To what use could we ever hope to put these great deserts or those endless mountain ranges, impenetrable and covered to their very base with eternal snow? What can we ever hope to do with the western coast, a coast of 3,000 miles, rock-bound, cheerless, uninviting, and not a harbor on it? What use have we for this country? Mr. President, I will never vote 1 cent from the Public Treasury to place the Pacific coast 1 inch nearer to Boston than it is now.

Mr. President, I use that statement again to show how myopic Daniel Webster's vision was, learned though he might have been. Certainly, that Western half of the United States, which we were better able to explore than we are going into space, took more than any 25 or 30 years to develop to where it was useful and bring back all the benefit of all of the money we had spent on it.

People have stood here on Earth and looked up for a hundred years, or several hundred thousand years. We have wanted to travel up there. We wanted to go see what it was like. Now we can use that area of space.

One other area. It is not only international cooperation but it is inspiration for our own youth in this country. I think that is an important byproduct, or important add-on to the space program that we sometimes ignore. It is exciting for our young people to know that we are leading the world in science, technology, and research. It is exciting enough that a lot more are going into science and math because of this. How do we measure those benefits? I don't know. In the future, if we can inspire our young people through the space program and the continuing space station, I think that pays off in benefits for the future beyond anything we can see at the outset. Just like the history of this country has shown, that money spent on basic research, even though we can't quite see the benefits at the outset—if there is one thing we have learned, money spent on basic research seems to have a way of paying off in the future beyond anything we see at the outset. This is one of the biggest research programs that the whole world has ever undertaken, and I think it has the biggest potential payoff.

I ask unanimous consent to have some additional information printed in the RECORD at this time.

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

WHY A SPACE STATION?

To create a permanent orbiting science institute in space capable of performing long-duration research in the materials and life sciences in a nearly gravity-free environment.

To conduct medical research in space.

To develop new materials and processes in industry.

To accelerate breakthroughs in technology and engineering that will have immediate, practical applications for life on Earth— and will create jobs and economic opportunities today and in the decades to come.

To maintain U.S. leadership in space and in global competitiveness, and to serve as a driving force for emerging technologies. To forge new partnerships with the nations of the world.

To inspire our children, foster the next generation of scientists, engineers, and entrepreneurs, and satisfy humanity's ancient need to explore and achieve.

To invest for today and tomorrow. (Every dollar spent on space programs returns at least $2 in direct and indirect benefits.)

To sustain and strengthen the United States' strongest export sector-aerospace technology—which in 1995 exceeded $33 billion.

MEDICAL RESEARCH AND THE LIFE SCIENCES

The early space program and experiments conducted on the Space Shuttle have made remarkable contributions to medical research and the study of life on Earth.

The Space Station is the next step: a permanent orbiting laboratory.

The Space Station will provide a unique environment for research on the growth of protein crystals, which aid in determining the structure and function of proteins. Such information will greatly enhance drug design and research in the treatment of diseases. Crystals already grown on the Space Shuttle for research into cancer, diabetes, emphysema, parasitic infections, and immune system disorders are far superior to crystals grown on Earth.

The almost complete absence of gravity on the Space Station will allow new insights into human health and disease prevention and treatment, including heart, lung, and kidney function, cardiovascular disease, osteoporois (bone calcium loss), hormonal disorders, and immune system function.

Space Station research will build on the proven medical research already conducted on the Space Shuttle. The Space Station will enable long-term research with multiple subjects among the six-member crews.

Research equipment developed for the Space Station is already paying dividends on the ground. Scientists are growing ovarian tumor samples in NASA's new cell-culturing device so that tumors can be studied outside the body, without harm to the patient. A similar trial is under way for brain tumors.

Medical equipment technology and miniaturization techniques developed for the early astronauts are still paying off today, 30 years later. For example:

NASA has developed a ''cool suit'' for the Apollo missions, which is now helping to improve the quality of life of multiple sclerosis patients.

NASA technology has produced a pacemaker that can be programmed from outside the body.

NASA has developed instruments to measure bone loss and bone density, without penetrating the skin, that are now being used by hospitals.

NASA research has led to an implant for delivering insulin to diabetics that is only 3 inches across; it provides more precise control of blood sugar levels and frees diabetics from the burden of daily insulin injections.

TECHNOLOGY AND ENGINEERING FOR THE FUTURE

The race to the Moon required great advances in engineering and technology that still fuel our economy today. The Space Station will be a testbed for the technologies of the future, as well as a laboratory for research on new, high-technology industrial materials.

Experimental research in the near absence of gravity produces new insights into industrial processes in materials that cannot be replicated on Earth, including an increased understanding of fluid physics and combustion. Space Shuttle experiments that study metal alloy solidification in space could lead to making lighter, stronger superalloys. A better understanding of the combustion process can lead to energy conservation on Earth. A 2-percent increase in burner efficiency for heaters would save the United States $8 billion per year.

The Space Station will be an industrial research and development laboratory to test lower-cost heating and cooling systems, long-life power converters, safer chemical storage and transfer processes, air and water purification, waste management, and recycling systems.

Telerobotic and robotic systems validated on the Space Station will increase human efficiency in space and result in reliable, low-maintenance robots for industry and commercial purposes on Earth.

Research on large space vehicles will lead to improved computer software for developing new, lightweight structures, such as antennae and solar collectors with precision-pointing accuracy. Such developments will greatly benefit the communications, utility, and transportation industries.

As with the Apollo program before it, the Space Station will be a proving ground for advances in communications, computers, and systems integration. The International Space Station program will use telepresence, telescience, expert systems, and the integration of communications and data on an unparalleled scale.

Space Station facilities with the near absence of gravity will permit researchers to study materials that could not exist and processes that could not take place in full Earth gravity. These materials include polymers for everything from paint to contact lenses, semiconductors for high-speed computers and electronics, and high-temperature superconductors for efficiency in electrical devices.

A NEW ERA OF PEACEFUL COOPERATION

As the world redefines itself in the wake of the Cold War, the Space Station is a catalyst for international cooperation and a powerful symbol of U.S. leadership in a changing world. The Space Station:

Continues the largest scientific cooperative program in history, drawing on the resources and scientific expertise of 13 nations: the United States, Canada, Italy, Belgium, Netherlands, Denmark, Norway, France, Spain, Germany, the United Kingdom, Japan, and Russia.

Will channel the aerospace industry of Russia and other countries into non-military pursuits to reduce the risk of nuclear proliferation and slow the traffic of high-technology weaponry to developing nations.

Will provide international commercial opportunities for U.S. companies.

Uses existing Russian space technology, capability, expertise, and hardware to build a better Space Station more quickly and cost-effectively.

Taps into the Russians' vast experience in long-duration spaceflight to benefit the international partnership.

Serves as a symbol of the power of nations to work together on peaceful initiatives and serves as a test case for building mutual trust and shared goals.

Demonstrates that former adversaries can join forces in a peaceful pursuit at a fraction of the cost of the arms buildup during the Cold War era.

Provides a means to influence policies beyond space cooperation, such as giving Russia and the other countries of the former Soviet Union a greater interest in broader U.S. policy initiatives.

Draws significant financial support from the partner nations, which will collectively add more than $9 billion to the U.S. contribution. The partners from the European Space Agency, Canada, and Japan have already expended more than $5 billion on their development programs.

INSPIRATION AND INVESTMENT IN THE FUTURE

The Space Station will inspire a new generation of Americans to explore and achieve, while pioneering new methods of education to teach and motivate the next generation of scientists, engineers, entrepreneurs, and explorers.

Space science is a catalyst for academic achievement. Enrollment trends of U.S. college students majoring in science and engineering track closely with the funding trends of the U.S. space program.

NASA is a leader in the development of virtual reality and telepresence technologies, giving students the same benefits they would get from actual presence on the Space Station and interaction with real astronauts.

Astronauts and cosmonauts serve as role models, capturing the imagination of future leaders and encouraging more students to study science and engineering.

In addition to lessons from space, students of the future will have experiments on the Space Station and will conduct them from their classrooms on the ground. Students will transmit and receive data, manipulate equipment remotely, and evaluate the experiments through data interpretation.

With the new international focus, students will absorb broad lessons in the value of cooperation as we work with partners in Russia, Europe, Japan, and Canada.

Teachers and communities across the nation are already using Space Station concepts in the classroom. NASA receives unsolicited drawings and models of the Space Station by students of all ages. Communities and states conduct ''Space Week,'' during which students live in a bus outfitted as a Space Station.

DESIGN, MANAGEMENT, AND COST

Independent external review teams have confirmed that the management structure of the International Space Station program has been greatly improved. Now the Space Station will have more laboratory space, more electric power, and a larger crew. It will cost $5 billion less than the cost projected for Space Station Freedom. Greater international participation will be present.

Dr. Charles M. Vest, chair of an independent review committee and President of MIT, stated: ''NASA has performed a remarkable management turnaround.''

Instead of four NASA offices overseeing four prime contractors, the Space Station program is now managed by a single NASA office through a single prime contractor, the Boeing Company, which is known for its innovative management.

This program is affordable. The Space Station constitutes only ½ of 1 percent of the federal budget and less than 15 percent of the total NASA budget. It will cost each American $9 a year—about the same as a night at the movies.

NASA has met all of its external and internal deadlines in redesigning the Space Station.

Fully 75 percent of Space Station Freedom's elements will be used on the International Space Station.

The Space Station program has successfully managed its $2.1 billion average annual expenditure since redesign. The program's budget is $11 billion from the present through completion in 2002, for a total of $17.4 billion.

Our international partners have endorsed the design of the International Space Station and the new management structure. Their commitments will total more than $9 billion on the Space Station, of which more than $5 billion has already been expended or placed on contract.

FACTS ON LIFE AND MICROGRAVITY RESEARCH

Statistics

There were 627 total lead investigators in 1995.

Investigators represent more than 100 institutions of higher learning and more than 40 laboratories and other institutions in 40 states and the District of Columbia.

More than 900 graduate students were supported through NASA research in 1995.

Life and microgravity researchers published more than 1,000 journal articles in 1995.

There were more than 1,000 new research proposals received in 1995.

Background

Life and microgravity science research is solicited through an open, highly competitive, peer-review process to ensure that the most meritorious science gains access to orbit.

Historically, NASA's resources have allowed the agency to accept only about the top fifth of the proposals it receives for life and microgravity research. This level of selectivity is comparable to that of other major U.S. science funding sources, such as the National Institutes of Health and the National Science Foundation. Only 10 to 20 percent of these accepted proposals lead to flight experiments, so selection for flight is even more competitive.

Because of the great demand for limited orbital research opportunities, NASA selects research for flight opportunities only if it cannot be conducted on Earth. Flight research is selected from and supported by a larger research effort on the ground.

NASA is fully committed to its close working relationship with the scientific community and to full access to NASA facilities for the most meritorious scientific research. NASA works with the scientific community through its advisory committees and subcommittees, the National Research Council, and working groups of distinguished scientists.

FACTS ON INSPERATION AND INVESTMENT IN THE FUTURE

Astronauts

Astronauts make thousands of appearances each year all over the world.

Eighteen percent of the active members of the astronaut corps are women.

Col. Guion S. Bluford, USAF, was the first African-American in space (1983).

Dr. Sally K. Ride was the first American woman in space (1983).

Lt. Col. Ellison S. Onizuka, USAF, was the first Asian-American in space (1985).

Dr. Franklin R. Change-Díaz was the first Hispanic-American in space (1986).

Maj. Eileen Collins, USAF, was the first female Space Shuttle pilot (1995).

Education

Traveling aerospace education units

These units visit hundreds of thousands of students each year.

Space science student involvement program

This program provides challenges in science, writing, and art.

This includes elementary, middle, and secondary school students.

The program provides an aerospace internship competition for students in grades 9–12.

Thousands of students participate every year.

Urban Community enrichment program

This program is designed to serve middle school students in urban areas.

It raises an awareness of multicultural contributions to NASA.

The program fosters career awareness in science and mathematics.

Thousands of students and hundreds of teachers participate each year.

NASA educational workshops for teachers

These workshops recognize outstanding teachers.

They provide educational advancement opportunities in science, mathematics, and technology.

Hundreds of elementary and secondary teachers participate each year.

Americans and the Space Program

The National Air and Space Museum has averaged more than 9 million visitors per year.

NASA operates hundreds of traveling exhibits each year, which are attended by millions of people.

Millions of people visit NASA Visitor Centers every year.

FACTS ON INTERNATIONAL SPACE STATION CONFIGURATION

Statistics

End-to-End Width (Wingspan)—356 feet
Length—290 feet
Weight—470 tons (940,000 pounds)
Operating Altitude—220 miles (average)
Inclination—51.6 degrees to the Equator
Atmosphere—14.7 pounds per square inch (same as Earth)
Crew Size—6

Hardware

Canadian Mobile Servicing System—includes a 55-foot robot arm with a 125-ton payload capability. It also includes a mobile transporter, which can be positioned along the truss for robotic assembly and maintenance operations.

Functional Cargo Block (FGB—acronym from the Russian term)—includes the energy block contingency fuel storage, propulsion, and multiple docking points. The 42,600-pound element, built in Russia, but purchased by the United States, will be launched on a Proton vehicle.

Russian Service Module—provides life support and utilities, thrusters, and habitation functions (toilet and hygiene facilities). The 46,300-pound element will also be launched on a Proton vehicle.

Science Power Platform (SPP)—provides power (approximately 25 kilowatts) and heat rejection for the Space Station's science and operations.

Crew Transfer Vehicles (CTVs)—include a modified Russian Soyuz TM capsule and another vehicle yet to be determined. The Soyuz CTV can normally accommodate a crew of three, or a crew of two when considering return of an ill or injured crewmember with room for medical equipment.

Progress Cargo Vehicles—carry reboost propellant (up to 6,600 pounds) to the Space Station about four times per year.

FACTS ON INTERNATIONAL SPACE STATION CONFIGURATION

Seven laboratories

Two U.S.—a laboratory and a Centrifuge Accommodation Module (CAM).

One European Space Agency (ESA) Columbus Orbital Facility (COF).

One Japanese Experiment Module (JEM).

Three Russian Research Modules.

The U.S., European, and Japanese laboratories together provide 33 International Standard Payload Racks; additional science space is available in the three Russian laboratory modules.

The JEM has an exposed platform, or ''back porch,'' attached to it, with 10 mounting spaces for experiments, which require direct contact with the space environment. The JEM also has a small robotic arm for payload operations on the exposed platform.

U.S. Habitation Module—contains the galley, toilet, shower, sleep stations, and medical facilities.

Italian Mini Pressurized Laboratory Module (MPLM)—carries all the pressurized cargo and payloads launched on the Space Shuttle. It is capable of delivering 16 International Standard Payload Racks.

Two U.S. Nodes—Node 1 is for storage space only; Node 2 contains racks of equipment used to convert electrical power for use by the international partners. The nodes are also the structural building blocks that link the pressurized modules together.

Total Pressurized Volume—46,200 cubic feet.

External Sites—four locations on the truss for mounting experiments intended for looking down at Earth and up into space or for direct exposure to space.

Power—110-kilowatt average (46-kilowatt average for research, with the Russian segment producing an additional 14 kilowatts for research). There are four large U.S. photovoltaic modules; each module has two arrays, each 112 feet long by 39 feet wide. Each module generates approximately 23 kilowatts. The arrays rotate to face the Sun, providing maximum power to the Space Station.

FACTS ON INTERNATIONAL SPACE STATION CONFIGURATION

Station schedule

Schedule, Date, and Payload

First U.S. Element Launch, November 1997, FGB
First Russian Element Launch, April 1998, Service Module
Continuous Human Presence, May 1998, Soyuz
U.S. Laboratory Launch, November 1998, U.S. Pressurized Laboratory
Japanese Laboratory Launch, March 2000, JEM Pressurized Laboratory
ESA Laboratory Launch, September 2001, Attached Pressurized Module
Centrifuge Launch, August 2001, Centrifuge Accommodation Module
Habitation Module Launch, February 2002, U.S. Habitation Module
Assembly Complete/Continuous Full Crew, June 2002, CTV, Hab Outfitting

Transportation

Total Space Shuttle flights (1997–2002)	27
Assembly	21
Utilization/Outfitting	6
Total Russian flights	44
Assembly	13
Crew Transport	10
Reboost (propulsion)	21
ESA Assembly Flights (Ariane 5)	1
Launch Vehicle for CTV	1

Cost

	Billion
Preliminary Design (1985–1987)	$0.6
Station-Related Design/Development	0.7
Development	8.9
NASA Estimate for Assembly Complete	17.4
FY 94–96 Development, Utilization, Payloads and Mir Support	6.4
Cost to Go (1997—Assembly Complete in June 2002)	11.0
Development	(4.4)
Operations	(4.1)
Utilization Support	(0.3)
Payloads and Mir Support	(2.2)
Operations (2003–2012)	13.0

Mr. GLENN. Mr. President, I wish we had several more hours to discuss this. I hope my colleagues will take time to look at the more complete statement I had in the RECORD yesterday because it went into a lot of these areas in greater detail.

How much time do I have remaining?

The PRESIDING OFFICER. The Senator's time has expired.

Mr. GLENN. Thank you. I yield the floor.

Mr. BOND. Mr. President, how much time remains on each side?

The PRESIDING OFFICER. The Senator from Arkansas has 55 minutes. The Senator from Missouri has 15 minutes. The Senator from Maryland has 4 minutes.

Mr. BOND. Mr. President, I invite my colleague from Arkansas, since we are about out of time, to utilize what time he wishes.

Mr. BUMPERS. Mr. President, I have listened to the speakers who oppose this amendment. I have listened very carefully. I have not heard anybody make any claims of any beneficial research, mechanical, medical, physical, or any other successful research being accomplished by the Russians and the former Soviet Union after 25 years in space. That is right. The Russians have had a space station orbiting the Earth for 25 years. The only reason in God's world we are putting one up there is because they have one. If you don't like that explanation, there is another one that is probably about as good, which is to figure out how we are going to get to Mars, because it is going to take at least 24 months to get there and back, and we want to know, can man survive that long in space. If you want that to be the justification for the space station, for Pete's sake, be honest about it and let us debate that. Carl Sagan is not rhapsodic about all these arguments about curing cancer, but he is about the exploration of space. Even Daniel Goldin said that we not only need to go to Mars, we need to have an outpost there on a permanent basis. He as much as said that is the reason for the space station. If you want to buy that as a rationale for building a space station, I won't vote for it because we don't have the money. Bear in mind that every dime you put into this space station is borrowed money.

Now, just as soon as we get through with this debate and I lose and we continue inexorably, irreversibly toward spending $94 billion we don't have, the same people will come over and you hear all these pompous speeches about balancing the budget. Senator HUTCHISON, a moment ago, talked about all the magnificent accomplishments so far of the space program. One was a remotely programmable heart pacemaker. And she mentioned other products and inventions. But I say to Senator HUTCHISON, those things could have been accomplished for peanuts right here on Earth. You don't have to go into space to develop a remotely programmable heart pacemaker. I also say that those things were discovered and developed by NASA, not the space station. The space station had absolutely zilch to do with those accomplishments.

If you want to do research in the space program on the shuttle, that's fine. I talked earlier about how many times I had gotten teary-eyed watching the shuttle take off. I want you to know that once I got involved in the space program—and I went on the space committee when I first came here and, believe you me, it was a spacey committee—I quit shedding tears when I found out it cost $400 million to send one of those things up. Think of that—$400 million. My good friend, Senator GLENN, said that I misspoke when I said we had only built

17 percent of the hardware of the space station. He suggested we had done 45 percent. Let me clarify that. We have built 165,000 pounds of the station's total 950,000 pounds of hardware. That is about 17 percent. However, NASA says Boeing has accomplished 45 percent of the prime contract. But of the $17 billion the space station is going to cost in the bill, the prime contract is now only $6 billion of it. It is true, we have done 45 percent of the prime contract, but we have actually only built 17 percent space station's hardware. And we are, according to the General Accounting Office, using up those reserves he talked about at a much faster pace than the program can sustain. I might also point out that Boeing is indeed at least 4 months behind, and the Russians are 6 to 8 months behind, and the press is reporting that the space station is already $500 million over its construction budget—$500 million.

If you ask any Senator how he would like to have $500 million for some of his favorite programs, he will start salivating.

I have not heard one single claim that one single case of influenza has been cured by anything we found in space. I have not heard one single claim anyone plans to commercially grow gallium arsenide crystals in space. They can be made there but nobody argues that you can do it economically. On the contrary, everybody says it is totally uneconomical. It is always what we are going to do. We have been at this business 35 years headed for a $94 billion project, and we are saying look what we are going to do.

Look at this chart. The cost is all broken down for you neat as a pin; $94 billion. I can hardly wait for us to get through with this so we can listen to all of the speeches about balancing the budget again.

Where is the cost going? We have already spent $18 billion since Ronald Reagan made that famous speech about how we are going to build this whole thing for $8 billion. We have spent $18 billion since then—$10 billion more than President Reagan suggested. That is just for building the station. That does not include the $51 billion we are going to spend on shuttle launches to keep the space station supplied with water, food, and whatever else they may need for 10 years, which is supposed to be the life of the space station. So it is all right there—shuttle launches, construction, operations, and $1 billion in additional costs. You still have $76 billion to spend. You can vote ''aye'' on this amendment and save the taxpayers of this country $76 billion. Give it to the National Institutes of Health and you might cure cancer. You might make a greater impact on AIDS, arthritis, and a host of other diseases which make life miserable for so many millions of people. You are not going to accomplish anything by putting it into the space station except maybe a good, warm, fuzzy glow occasionally.

This whole thing, $94 billion, works out to a total cost of $25 million for each day the space station will be in operation. You think of that. This thing is going to cost $25 million a day every 24 hours. What is it worth in gold? Twenty-five times its weight in gold. Isn't that something? You think about something costing 25 times its weight in gold for no tangible benefit.

Jobs—each job on this thing of the 15,000 jobs costs $140,000. I can tell you one thing. If I were from Texas, Alabama, or California, I would probably be on the other side of this issue. If I had 15,000 jobs, or any portion of those 15,000 jobs at $140,000 apiece, I would probably think the space station was the greatest thing since sliced bread.

It is going to cost us $12,880 to transport one pound of water or bread or anything else to the space station. Each astronaut is going to use how many pounds of water a day? They are allocated for all purposes I believe 9.5 liters per day. It all comes to $319,000 a day I believe for each astronaut, just for bottled water. That is $1.9 million in water per day for a crew of six astronauts.

Mr. President, I want to read a portion of a letter which I consider to be extremely important in this debate. The testimony by Prof. Robert L. Park before the Commerce Committee, the Subcommittee on Science, Technology, and Space, which he delivered on July 1, 1993. I am not going to attempt to read the whole letter. But I am going to read the salient parts of it. I hope my colleagues will pay close attention to this.

Dr. Park represents the American Physical Society with 40,000 physicists including astrophysicists. About the only physicists who support the space station are the ones that are on NASA's payroll. Here is what Dr. Park said:

> It is the view of the American Physical Society that scientific justification is lacking for a permanent manned space station in Earth orbit. We are concerned that the potential contribution of a manned space station to the physical sciences has been greatly overstated, and many of the scientific objectives currently planned for the space station could be accomplished more effectively and at a much lower cost on Earth by unmanned robotic platforms, or the Shuttle.

You have two groups of experts on the space station. You have physicists and you have medical science. Here is what the physicists say. He goes on to say:

> The only unique property of a space station environment is microgravity. It is not surprising, therefore, that much has been made of this environment in attempts to sell the space station, but many years of research on shuttle flights and in continuous operation of the Russian space station Mir have produced absolutely no evidence that this environment offers any advantage for processing materials or drugs. Indeed, there are sound reasons for doubting that it could. Gravitational forces are simply too weak to significantly affect most processes.

He goes on:

> A possible exception was thought to be the growth of molecular crystals, specifically protein crystals. In November, however, a team of the Americans that collaborated in protein crystal growth experiments on Mir and on the U.S. space shuttle reporting in Nature magazine that 10 years of work at stupendous cost has produced no significant breakthrough in protein crystal growth. Microgravity has no effect on crystallization of most proteins, they report, and, if it does, crystals are as likely to be worse as better. No protein has been observed to crystallize in microgravity that does not crystallize on Earth.

In short, you can do it on Earth. You do not have to spend $100 billion to go into space.

He goes on to say, in quoting Dr. Blumberg at Harvard, a Nobel laureate and physicist, and he summed it up bluntly in testimony before a Senate committee. Microgravity, he says, is of ''microimportance.''

Then he goes on to the spinoff, what you are going to get out of the spinoff. ''It is both false and demeaning for NASA to claim''—listen to this. He says:

> It is both false and demeaning for NASA to claim that products, from magnetic resonance imaging to synthetic pig teats, are spinoffs of the space program. Any program that spends $15 billion per year is bound to produce something that society can use, but few of NASA's claims stand up. Indeed, an internal NASA study of technology transfer which became public in January acknowledged that NASA's spinoff claims were exaggerated, including such famous examples as Velcro, Tang and Teflon. Contrary to popular belief, the study found NASA created none of these.

I have heard that old Teflon, Velcro, Tang argument for 5 years. NASA had nothing to do with it except publicize it.

Let me just close this segment by saying the opportunities for saving money are very limited around here. This year, the deficit is going to be $116 billion. If Bill Clinton had not acted when he did in 1993, it would be $290 billion this year. I do not care whether you like Bill Clinton or not. A lot of people here do not. But he did something that was very unpopular in 1993—he raised taxes. But he raised taxes on the wealthiest 1.2 percent of the people of this country; 28 million people actually got their taxes lowered. But we are today looking at the most dramatic reduction in the deficit any of us ever dreamed would happen. It is a gratifying thing to see that deficit reduced so dramatically over a 4-year period. But I can tell you, while that was not easy, it is easy compared to how you are going to find that other $116 billion toward a balanced budget. You are not going to balance the budget by spending this $76 billion. You keep spending money like this and all you can do is make those great speeches about balancing the budget but you will never balance it. You may convince the chamber of commerce back home that your heart is in a balanced budget, but you just cannot find it in your heart to vote for the things that bring about a balanced budget.

So I plead with my colleagues to show the kind of spine and spunk that

your constituents have a right to expect of you. Oh, it is an easy vote; 99 percent of the people in this country really do not care whether you vote ''aye'' or ''nay'' on this. That is the reason you cannot win it. That is the reason I have not won it in 5 years; it is too easy to vote ''aye.''

So, as I said, I have no illusions about what the vote is going to be, but I am just like the turtle. A man was riding the turtle across the creek. The turtle got out in the middle of the creek and he went under after he promised he would not. And the man who was on the turtle's back said, ''You promised me you wouldn't do that. Why on Earth did you do it?'' And the old turtle said, ''I guess it is just my nature.'' That is the way it is around here. It is just our nature to vote for big spending projects like this and make speeches about balancing the budget.

I yield the floor, Mr. President.

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

Mr. BOND. Mr. President, I thank my colleague from Arkansas. I understand that there may not be additional speakers on his side. Is that correct? We have, I believe, under my control only about 15 minutes left. There are five people who have asked for that 15 minutes, including myself, Senator BENNETT, Senator SHELBY, Senator HEFLIN, and Senator BURNS. I urge those who want to share in that largess to come join us very quickly because we may—and I want to put all Senators on notice—be able to go to a vote earlier than 10 minutes of 6.

Mr. BUMPERS. Mr. President, if I may say to the Senator from Missouri, I recognize I have been in that position too many times when Senators want to speak but do not come to the floor. But in the interest of accommodating him, if the Senator would like to put in a quorum call without the time being charged to either side, that would be satisfactory until the speakers get here.

Mr. BOND. Mr. President, unfortunately, as much as we wish to accommodate speakers, we also have to accommodate the leadership, which wants us to move forward on the bill. We do have a Senator who is ready to go, and I am pleased to allocate 3 minutes to the Senator from Utah, Mr. BENNETT.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. BENNETT. I thank the Chair. I thank the Senator.

I will not give all the arguments for the space station. I have given them in times past and Congresses past in debate with my friend from Arkansas. He says it is his nature to bring it up. It is my nature to be for it. I will, however, return to a previous quote that I have used in past debates that I think summarizes why it is we go ahead with it. Samuel Eliot Morison, the great historian, wrote this about this country. He said:

America was discovered accidentally by a great seaman who was looking for something else. When discovered, it was not wanted and most of the exploration for the next 50 years was done in the name of getting through or around it. America was named after a man who discovered no part of it. History is like that, very chancy.

Mr. President, that is why we are going into space. No, we do not know with exactness what we are going to find. We cannot predict it any more than the people who discovered this continent from the European side could predict what would happen, and indeed what we find there may not be wanted just as this country was not wanted for a long period of time. But I will share with the Senate this experience.

Every year, I sponsor in the State of Utah an activity called Space Talk, where we get together and talk about space and what can be done in space and what the prospects of space are. Last year, as part of Space Talk, NASA agreed to allow the shuttle on its way from Cape Canaveral to Edwards Air Force Base to stop in Salt Lake City to refuel and stay overnight. As it turned out, the 747 carrying the shuttle banked in over the Salt Lake Valley just about at the end of the day, just about at sunset it came over. There were approximately 100,000 people who stopped in their cars on the freeway, who came out of their houses and stood in their front yards and who waved and acknowledged that as it made a pass down the valley, then turned, came back in low over the valley and finally landing at the Salt Lake airport. I still have people who will come up to me on the street corner literally with tears in their eyes and say, ''Senator, that was one of the most emotional experiences of my life. How proud I am to be an American,'' demonstrating their support for the space program. America has not lost the sense of exploration that it had all the way back to Columbus' time, and we should not lose it again.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. BOND. Mr. President, I yield myself 3 minutes and ask that I be notified when that 3 minutes has expired.

I do wish to urge my colleagues who had wanted time to come over, those in support. The time is running out.

I did want to answer the legitimate question asked by the Senator from Arkansas: What do you expect to get out of this? What good is going to come from it?

Just a small sample, Mr. President. The National Depressive and Manic-Depressive Association in a letter of July 27, 1995, to Administrator Goldin, the executive director, expresses ''our support for the human brain and neurological research that is part of NASA's international space station program.''

We have a similar letter from the Multiple Sclerosis Association of America, saying:

We are especially optimistic about a project on the station called Neurolab, dedicated to neurological research. This research could be essential to MS patients. Because MS is a neurological disease, the more we know about the brain, the closer we are to understanding and overcoming this illness.

The American Medical Women's Association has written that:

The space station will provide important research opportunities in the following areas:

Diseases predominantly affecting women, including breast, ovarian and cervical cancers and endometriosis;

Diseases more prevalent in women, such as osteoporosis, diabetes and other autoimmune diseases;

Areas in which women are particularly vulnerable, such as biological rhythms, cyclic hormonal changes and balance disorders . . ..

I ask unanimous consent all these letters be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

THE PLANETARY SOCIETY,
July 24, 1995.

House of Representatives,
Washington, DC.

DEAR REP. GINGRICH: In the past few weeks you have received mail and calls from some of your constituents who are among the over 100,000 members of The Planetary Society. We are urging you to support the President's proposed budget for NASA. Although that budget calls for significant cuts—about four percent per year for the rest of the decade—it preserves important NASA missions and programs to explore other worlds and to understand our own.

This week, the House will vote on the NASA Appropriation as part of the HUD–VA–Independent Agencies bill. There will an amendment offered to cancel the space station. We oppose that amendment.

The Appropriations bill gives NASA $600 million less in FY 1996 than in the President's proposed budget. We believe that cut, on top of the Administration reductions, is too deep and threatens the vitality of the American enterprise in space.

The recent shuttle-Mir success; the stirring results from the Hubble Space Telescope; and the new cheaper, faster, better missions of Mars Surveyor, Discovery and New Millennium bode well for the future. The great interest in the movie Apollo 13 is a reminder of how much these successes mean to the American public, and how important the NASA ''can-do'' philosophy is to our nation.

The building of the space station is an important global effort. It is the largest and greatest international engineering project in history. Many European nations, Japan, Russia, and Ukraine have investments commensurate with that of the United States. The international space station, like Project Apollo, is serving a greater national interest besides that of space development. Like Apollo, it is playing on a world stage.

Several years ago, Carl Sagan, Bruce Murray, and Louis Freidman—the officers of The Planetary Society—testified to Congress with a statement called ''A Space Station Worth the Cost.'' We opposed the then-space station plan as serving no national purpose, as being unrealistic and counter-productive in its budgeting, and as not contributing to the goals of human exploration beyond Earth orbit.

Those defects have now been remedied. The present plan is working on a fixed budget with meaningful cost-savings from Russia's participation. It is serving national and international interests. And, in perhaps the

biggest difference from the previous plan, it has put Americans back in space, making progress toward understanding the physiological effects of long-duration spaceflight. Norm Thagard just broke the American endurance record in space—five years earlier than anyone would have under the previous space station plan.

For Congress to cancel the space station now would cause huge disruptions in many local and regional economies, and worse yet, it would scar our national psyche. It would end the rationale for America's manned space program, and with it would die some of the spirit of a great nation bold enough to seek great achievements.

We ask your support now for the entire NASA program; Manned Spaceflight, Science, Mission to Planet Earth, Technology and Aeronautics. All have been cut this year as well as in the past several years. There is a delicate balance among them now, important to preserving each enterprise, and important to preserving the whole.

Thank you very much for your consideration.

Sincerely,

CARL SAGAN.
LOUIS FRIEDMAN.

MULTIPLE SCLEROSIS ASSOCIATION OF AMERICA,
June 20, 1995.

Hon. ROBERT S. WALKER,
Chairman, House Subcommittee on Science, House of Representatives, Washington, DC.

DEAR CONGRESSMAN WALKER: I am writing on behalf of the Multiple Sclerosis Association of America (MSAA) to express our support for the International Space Station and the medical research that is an integral part of the project. MSAA is a national organization in its 25th year of service in improving the lives of the 300,000 people diagnosed with multiple sclerosis (MS) in the United States and an additional 200,000 as yet not diagnosed.

The MSAA is hopeful, as new findings continue to emerge from space-based research and the possibilities that the International Space Station holds. We are especially optimistic about a project on the station called Neurolab, dedicated to neurological research. This research could be essential to MS patients. Because MS is a neurological disease, the more we know about the brain, the closer we are to understanding and overcoming this illness.

The MS community has benefited from NASA technology to date by utilizing microclimate cooling systems to control MS patients' exacerbations, which are brought on or worsened by heat. Controlling body temperature is crucial to MS patients' health since overheating can cause painful and debilitating symptoms. The MSAA has signed a Memorandum of Understanding (MOU) with NASA to provide information on liquid cooled garments (''cool suits'') as well as helping to make the present technology widely available to patients and utilizing other spinoff technology.

The MSAA urges Congress to appropriate funding for this important research project. NASA's ''cool suit'' literally has changed the lives of some of those suffering from MS. If space-based research continues, perhaps MS patients will have more options and more information in understanding this elusive and incurable disease.

Sincerely,

JOHN G. HODSON, Sr.,
President and Chairman of the Board.

NATIONAL DEPRESSIVE AND MANIC-DEPRESSIVE ASSOCIATION,
July 27, 1995.

Hon. DANIEL S. GOLDIN,
Administrator, National Aeronautics and Space Administration Washington, DC.

DEAR ADMINISTRATOR GOLDIN: On behalf of the 275 chapters of the National Depressive and Manic-Depressive Association (National DMDA), I want to express to you our support for the human brain and neurological research that is part of NASA's International Space Station program. As an organization representing patients affected with depressive disorders, we are strong advocates for improving treatments for diseases of the brain.

Founded in 1986, by and for patients and their families, National DMDA's mission is to educate patients, families, professionals, and the public about the nature of depressive (unipolar) and manic-depressive (bi-polar) illness as medical disease. As the only illness-specific, patient-run organization in the nation, National DMDA seeks to foster self-help for patients and families, eliminate discrimination and stigma, improve access to care and advocate for research toward the elimination of these illnesses.

We believe the International Space Station will augment and complement ground-based brain research and add to the nation's arsenal of research facilities. NASA's cooperative agreements with the National Institutes of Health's (NIH) National Institute of Mental Health (NIMH) and National Institute of Neurological Disorders and Stoke (NINDS) ensure that human brain research efforts are carefully coordinated and contribute to significant progress in the understanding and treatments of brain and neurological disorders. We are also encouraged by the potential for medical breakthroughs offered by NASA's Neurolab, which involves six Institutes of the NIH and several nations in joint spaceflight research ventures dedicated to research in neurological and behavioral sciences.

The Space Station program and related cooperative agreements with NIH are providing needed medical research into brain disorders that will improve the quality of life for millions of Americans. Therefore, we support full and continued funding of the human brain research programs of NASA's International Space Station.

Sincerely,

SUSAN DIME-MEENAN,
Executive Director.

AMERICAN MEDICAL WOMEN'S ASSOCIATION,
June 12, 1995.

Hon. LINDA SMITH,
House of Representatives, Washington, DC.

DEAR CONGRESSWOMAN SMITH: The American Medical Women's Association (AMWA), a professional organization of 13,000 women physicians, has been committed to improving the state of women's health for 80 years. Of primary concern to AMWA is the need for increased research in women's health. As such, AMWA supports the continuation of funding for NASA's International Space Station because it provides one of the most promising new visions for medical research on diseases that strike women and have unknown causes or cures.

Traditional research approaches have not been sufficient to unravel the complex mechanisms underlying diseases that afflict millions of women. The microgravity environment of space allows researchers to carry out experiments that cannot be performed on earth, potentially loading to medical breakthroughs. The Space Station will provide important research opportunities in the following areas: diseases predominantly affecting women, including breast, ovarian and cervical cancers and endometriosis; diseases more prevalent in women, such as osteoporosis, diabetes and other autoimmune diseases; area in which women are particularly vulnerable, such as biological rhythms, cyclic hormonal changes and balance disorders; diseases with different risk factors or interventions for women, such as cardiovascular disease, blood pressure control, lung cancer and AIDS.

NASA research has already benefitted women's health research. Since 1992, NASA entered into 18 different cooperative agreements with the National Institutes of Health to ensure that NASA biomedical research activities contribute to significant progress in the understanding and treatment of diseases and other medical conditions that affect women.

NASA is also a model for the inclusion of women in medical research, having performed and supported research related to the physiological function of healthy women (25 percent of NASA astronauts are women). This has included research in cardiovascular, neurological, endocrinological and musculoskeletal function; in biological rhythms, in behavior and performance; and in the effects of exercise and inactivities. These studies together represent a valuable and perhaps unique data base on the physiology of healthy women.

AMWA strongly urges Congress to consider the important biological research benefits of longer duration space-based research and maintain full funding of the International Space Station.

Sincerely,

DIANNA L. DELL, M.D.,
President.

Mr. BOND. I just conclude these brief remarks by saying that Carl Sagan who, in the past, along with the Planetary Society, raised great questions about the space station serving no national purpose has, now, written saying that the defects in the space program ''have been remedied'' and it is meaningful. ''We ask your support now for the entire NASA program.''

The PRESIDING OFFICER. The Senator's 3 minutes has expired. Who yields time?

Mr. BOND. Mr. President, I yield 4 minutes to the Senator from Alabama, Senator HEFLIN.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. HEFLIN. Mr. President, I rise in opposition to the Bumpers amendment. I have supported the space station from the very beginning. In fact, I made a speech and have been told by people at NASA that I was the first Senator to call for the building of the space station, more than 15 years ago.

I think the space station is coming along in an excellent manner. I happen to have had the opportunity to visit Boeing during the recess and saw the progress that is being made on the space station. It is up to schedule and is moving in a manner that will mean it will be launched on time and it will move forward in a proper manner.

The space station has many benefits for mankind. People sometimes question the byproducts that have occurred as a result of the space program. There are many, many byproducts that have

come about as a result of the space program. Many of them were not anticipated, but they developed as you develop the program for the space station. For example, digital watches came out of the space program.

I happen to be sort of a walking example of the various benefits that the space program has provided in the field of medical services. I have a pacemaker. The pacemaker idea came as a result of activities involved in the space station.

I also have what is known as a stent. A stent is sort of a metal pipe that is placed in my coronary artery, that holds open an area that became occluded. Therefore, this program with the idea of having a stent originated out of the space program, in regard to the use of metal and how metal could tie into tissue. So I am sort of a walking example of what the space program has done. There are many other benefits that have occurred as a result of the space program. There are volumes, actually, that have been developed, outlining the various programs.

So, I am fully supportive of the space program and of the space station. I think there are several things that are very important. Senator GLENN has gone into this in detail. But the crystallography, by which you grow crystals in microgravity, has been exceptionally beneficial to working toward finding a cure for disease. There is another program known as the electrophoresis program, which is the ability to separate a cell down to the smallest integral parts. To be able to someday use the ability to grow crystals and to grow cells to a much higher degree than they exist on Earth in microgravity, and then use the process of electrophoresis to separate those cells, into the smallest integral parts, has a great potential relative to finding cures for diseases.

So I am fully supportive of this.

Mr. President, to reiterate, I rise today in firm opposition to the amendment before us which seeks to terminate funding for the international space station. I have been, and will continue to be, a strong and vocal supporter of the international space station. I first rose on this floor over 15 years ago as one of the first proponents of a manned laboratory in space. I share with many in this Nation and this Congress a vision of maintaining and expanding the human experience in space. The space station is an investment in the future, an investment fully consistent with NASA's mission. The first words appearing in the 1958 act which created NASA state that the ''Congress declares it is the policy of the United States that activities in space should be devoted to peaceful purposes for the benefit of all mankind.'' This project, more so than many others, is true to that charter.

The space station is the largest international peacetime cooperative effort ever undertaken. It will provide a platform for scientific research which could never be duplicated in any laboratory on the ground. The rhetoric surrounding this celebrated program seems to have taken on a life of its own. Old complaints, long since recognized and addressed, resurfaced with every budget debate. From the moment President Reagan proposed the space station in 1984, however, the project has been engulfed in controversy. Skeptics are not shy about decrying the space station as a flagrant misuse of tax dollars in a time of fiscal restraint. Social critics have argued that the money would be better spent at home, shoring up fractured urban areas and investing in better schools.

Congress has repeatedly voted by substantial bipartisan margins to continue our space exploration projects. But in a time of tight budgets, more attempts to kill sound investments in our future are expected. It seems to me, however, that we cannot back away from a strong investment in public interest and research, any more so than parents can decide not to fund their children's college education just because they might still have a mortgage on their home or a large balance on their credit card accounts. At the same time, we cannot ignore our fiscal dilemma. I have long been in the forefront of efforts to inject responsibility and discipline into the Federal budget process. Any public investment must be cost effective. I believe it is time to review the results of efforts to date and recognize the benefits of the project.

The vision of the Congress was to construct in orbit a permanently-manned space station. The purpose of the project was to exploit and enhance the technological superiority of our scientific, engineering, and aerospace industries. While much of the hard science and technology necessary to construct such a facility did exist, the scope of the project extended into hundreds of areas where the existing technology and knowledge base were not fully developed.

The need to create an environment in space which would support a permanent manned presence led us through years of life sciences experiments which have added to our understanding of the human body and produced countless biomedical breakthroughs which are saving or improving the quality of life for people everywhere. I have personally benefited from one such technology breakthrough when I have experienced heart problems in the recent past. The technique used to treat my condition came from the space station's life sciences developments. Our defense systems have also benefited from space exploration. Composite materials needed to endure the harsh environment of space have enhanced our competitive advantage in the engineering and aerospace industries.

Our international relations were enhanced and our construction and operations costs were reduced when we extended participation in this project to our international partners in Europe, Canada, and Japan. Each makes a contribution to the overall design in return for access to the completed station. And an unprecedented cooperative effort was forged when we extended our hand in friendship to the Russian people to join in this truly international space station.

Over the last few years, an enormous number of technological, organizational, and managerial difficulties have been resolved. A diffused and decentralized program structure suitable to the early design stages has been replaced by a lean, integrated, and responsive management structure where communication and accountability are clear. A single host center and a single prime contractor now coordinate and integrate the hardware which support the program.

Just a few days ago, the first U.S. space station module, node 1, passed a critical pressure test. This module features six docking ports and will serve as a gate-way connecting other station modules. The space station is expected to begin assembly in November 1997 with the launch of the Russian-built core vehicle, the functional cargo block. Node 1 is expected to be launched into space 1 month after this core-vehicle.

Now is not the time to pull the collective rug out from under this effort. We have made commitments to our international partners which we must not breach. We have sought the intellectual and capital investment of countless scientists, engineers, and program managers who have labored long and hard to support our ever elusive vision of this project. We gave these groups the vision of an international space station. We gave them the mission of constructing an orbiting laboratory in space. We have held the reins tight and offered considerable course correction at every turn in the development and design stages. Just as we are about to realize the results of this long labor, there are calls to squander our investment, terminate the work, and redirect the funding.

Such calls are short-sighted and ill-conceived, and should not be supported. This Nation enjoys a technological competitive advantage in aeronautics and space issues because of its tradition in investing in the future. Continued construction and operation of the space station will further our advantage. It will provide a laboratory in microgravity which will enhance our understanding of crystallography. It will give us advancements in biomedical research which will improve our health and welfare. It will provide a platform for environmental study of our fragile planet by allowing us to monitor and measure global changes both above and below the atmosphere.

When I hear some of my colleagues rail against the space station and other projects designed to propel us into the future, I cannot help but wonder what they would have said had they been around in 1492. Certainly had these political pundits been in Spain, the news

headlines would have read: ''Columbus voyage disaster, ship lost, India not found.''

We never know what benefits research and development will ultimately yield. Some of the most important discoveries in medicine and other field have been accidental in nature, just as Columbus' arrival in the New World was 500 years ago. Could any of us argue, with a straight face, that the cost of that long-ago voyage, which at that time was astronomical, has not been outweighed many, many times over by the benefits that were bestowed upon mankind?

As we reflect upon that journey during 1996, it would serve us well to think of and focus on the miraculous technological advances and discoveries—many of which have benefitted the human race immeasurably—that would never have been possible had the naysayers carried the day.

In his inaugural address to the Nation over 30 years ago, President Kennedy told Americans that they stood ''on the edge of a New Frontier.'' In describing the phrase that has become synonymous with his short administration, he inspired an entire generation by saying, ''Let both sides seek to invoke the wonders of science instead of its terrors. Together let us explore the starts, conquer the deserts, eradicate disease, tape the ocean-depths * * *''.

Those words are no less profound today that they were in Kennedy's time, for as long as man is on this Earth, and as long as we are able to move forward with scientific and technological advances, we will always be on the brink of a new frontier.

As this will probably be my last opportunity to champion the international manned space laboratory, I remain fully committed to our vision. I ask my fellow colleagues to join with me today in defeating this unreasonable amendment and signaling our collective resolve to support the continued construction and operation of the international space station.

Mr. BOND. Mr. President, how much time do we have remaining?

The PRESIDING OFFICER. The Senator from Missouri has 3 minutes and 25 seconds.

Mr. BOND. I thank the Chair. Mr. President, does Senator MIKULSKI have additional time remaining?

The PRESIDING OFFICER. She has 4 minutes.

Mr. BOND. There is 4 minutes for Senator MIKULSKI and 3 minutes on this side. I believe other speakers have now indicated they will submit their statements and will not give them directly. At this point I will just wrap up. If Senator MIKULSKI wishes to make any further comments, I will be happy to have her comments. Otherwise, I propose to offer a tabling motion.

The PRESIDING OFFICER. Who yields time?

Mr. BOND. Does the Senator from Arkansas wish further time?

Mr. BUMPERS. I was just going to yield myself 2 or 3 minutes.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. BUMPERS. Mr. President, I want to clarify the record on one thing, before Senator HEFLIN leaves the floor. As he knows, he and I talked about it, I also have a stent in my heart. We are getting conflicting information. My doctor told me he was part of the team that developed stents out at the National Institutes of Health. He never did mention the space station or any part of space. So we will have to reconcile that little difference about who developed stents.

In any event, I am grateful to whoever did it.

Mr. HEFLIN. Amen.

Mr. BUMPERS. Mr. President, I want to add one point about the cost of keeping the astronauts supplied with in water in space. As I said before, it will cost $12,880 per pound to ship water to the space station. With each astronaut allocated 9.5 liters of water per day, that comes to $1.9 million per day just to keep a crew of six supplied with water. I've done some more calculations and that comes out to about $700 million per year.

Let me say that again, because I think that is sliding over everybody's head. We are talking about almost three-quarters of a billion dollars a year to send water to six people on the space station. Now, you talk about balancing the budget, that is a great way to do it.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. BUMPERS. Mr. President, how much of my time remains?

The PRESIDING OFFICER. The Senator from Arkansas has approximately 31 minutes remaining.

Mr. BUMPERS. Is the distinguished manager of the bill short on time? I will be glad to yield some time.

Mr. BOND. Mr. President, I think we have all the time we need on this side. The Senator from Maryland has 4 minutes, if she wants to use it. I can conclude in the little time I have. If the Senator from Arkansas is ready to yield back, I will offer a tabling motion.

Ms. MIKULSKI. Mr. President, I understand I have yet 4 minutes.

The PRESIDING OFFICER. It is the Chair's understanding the Senator from Maryland has 4 minutes remaining.

Ms. MIKULSKI. I claim those 4 minutes.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Ms. MIKULSKI. Mr. President, I conclude in my opposition to the Bumpers amendment by talking about the impact, what it would mean to both taxpayers' jobs and scientific innovation.

Cost to terminate the station would erode any fiscal 1997 savings gained from cancelling the program. Termination costs are estimated at $700 million. The U.S. Government has invested $6.4 billion in the redesigned station and, for the most part, what the Bumpers amendment would do is essentially lose what we have already put in.

Let's go to mission and employment. Termination of the space station would result in the loss of 15,000 highly skilled engineering and production jobs currently under contract, Mr. President, 15,000 jobs in Texas, in Alabama, and in other parts of our great country. In addition, 1,300 civil service positions directly supporting the space station would become expendable. A conservative multiplier effect in California, Texas, Alabama, and Florida estimates 40,000 jobs.

We could talk about science impact, international impact, and the intangibles. Since its inception, the U.S. space program has driven science and technology. It has also motivated our young people to enter careers in space research, engineering, and has inspired the Nation.

We all went to see ''Apollo 13.'' Apollo 13 was more than a movie. It was the whole Apollo program, the space station program. The Hubble telescope is inspiring young people to move in to study science and engineering, and whether they come or go in the space program, they are going to be fit for duty in the 21st century and inventing products we do not begin to think of.

The long-term cutting edge, high-risk R&D is exactly what the United States of America needs. The investment NASA is making in breakthroughs in science and technology will make long-term economic growth possible. It is exactly this type of activity that we need in the United States of America.

Right now in Desert Strike, we are using smart new weapons of war to bring a dictator under heel. I also want to see in the civilian area these new smart technologies that will generate jobs and keep our economy a 21st century economy. Therefore, we cannot approach it with a 19th century attitude or framework.

Mr. President, that concludes my remarks. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. BOND. Mr. President, does my colleague from Arkansas wish any further time?

Mr. BUMPERS. I do not think so. Is the Senator from Missouri prepared to yield back?

Mr. BOND. I am going to conclude with my 2 minutes.

The PRESIDING OFFICER. One minute thirty seconds for the Senator from Missouri.

Mr. BOND. I ask unanimous consent that the vote be held at 5:30.

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

Mr. BOND. With the time equally divided.

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

The Senator from Missouri.

Mr. BOND. Mr. President, I claim a minute of that time just to follow up on the comments I made earlier. There were questions raised about what we can learn from the space station. We have not learned anything yet. Well, we have not had the space station up yet.

Here is a letter that I thought particularly compelling. This letter begins:

On Earth, we are prisoners of gravity. Gravity influences all life on Earth . . .

In orbit, there is very little gravity—

Or zero-g.

The microgravity environment of space allows researchers to unmask gravity and to see, in many cases for the first time, deeply into physical, chemical, and biological processes which were previously obscured by gravity. . . . This promises to lead to radical new scientific discoveries about life on Earth.

Fundamental insights from international Space Station research will produce broad-ranging benefits for humanity for generations to come.

The writer says:

I don't have space here to catalog all of the potential contributions that the international Space Station could make to the world's biomedical research efforts. I hope the examples I have provided will serve to illustrate this basic point: NASA technology and Space Station research will support the broader fight against human disease and make tremendous contributions to the quality of life here on Earth.

The letter is signed, from the Baylor College of Medicine, Dr. Michael E. DeBakey.

Mr. President, I ask unanimous consent that this letter be printed in the RECORD.

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

BAYLOR COLLEGE OF MEDICINE,
Houston, TX, July 26, 1995.

Hon. ROBERT WALKER,
Chairman, Committee on Science, House of Representatives, Washington, DC.

DEAR CONGRESSMAN WALKER. On Earth, we are prisoners of gravity. Gravity influences all life on Earth. Gravity influences the behavior of everything—from single-celled organisms to rocks, plants, and ships at sea—on the surface of this small blue planet. When we fall, we fall down. We stay attached to the chairs in our offices because of the constant pull of gravity. In the plant world, roots grow down. Even in our own bodies, our hearts have to work harder when we stand than when we're lying down. Try as hard as I might, I can't even begin to imagine what life would be like on Earth without gravity.

In orbit, there is very little gravity. This radically different environment is sometimes referred to as ''zero-g,'' or, more accurately, microgravity. The microgravity environment of space allows researchers to unmask gravity and to see, in many cases for the first time, deeply into physical, chemical, and biological processes which were previously obscured by gravity. Thus, thanks to our space program, for the first time in the history of humankind, scientists can manipulate gravity by decreasing its force as well as increasing it. This allow us to manipulate a primary force of nature in a way that promises to lead to radical new scientific discoveries about life on Earth.

Fundamental insights from international Space Station research will produce broad-ranging benefits for humanity for generations to come. Indeed, we are already seeing significant benefits from the limited research we can conduct on the Space Shuttle. One example is in the field of telemedicine.

Telemedicine is the practice of medicine through the exchange of information, data, images, and video across distances using telecommunications networks such as telephone lines, satellites, microwaves, and the Internet. Today's telecommunications technology, which provides international accessibility in real-time, greatly enhances the delivery of medical care.

The available technologies can link remote sites to larger medical centers, which can provide an opportunity for specialty consultations that might not otherwise be possible. The application of telemedicine offers advantages of cost-effectiveness as well as improved care to remote areas, disaster sites, and undeserved populations.

NASA has been a pioneer in telemedicine since the early 1960s, when it was faced with the challenge of monitoring the health of astronauts in spacecraft orbiting the Earth. NASA's continued use and development of telemedicine to enhance the delivery of medical care in space for future long-duration platforms, such as a space station, will help to support the rapidly expanding application of this technology to health care here on Earth.

In addition to its contributions to the study of basic human physiology, the international Space Station will support a vigorous program of research in biotechnology. The potential of biotechnology to change human society is at least as great as that of the microelectronics revolution. Everyone knows that NASA technologies have been instrumental in microelectronics, but few realize that NASA supported research and the resulting technologies are also driving whole new endeavors in biotechnology.

These new technologies, such as tissue culturing, allow the growth of human tissues for the possible treatment of diseases, such as arthritis and diabetes, and the growth of cancerous tumors, allowing researches to address the development and treatment of colon, breast, and ovarian cancers. This new NASA technology has broad applications in medical research and in the treatment of diseases.

Millions of Americans suffer tissue or organ loss from diseases and accidents every year; the annual cost of treating these patients exceeds $400 billion. At present, the only treatment for these losses is transplantation of tissues and organs; however, these procedures are severely limited by donor shortages. The shortage of replacement tissue and organs has generated a substantial research effort for the development of alternative sources for transplantations.

A major advance would be the ability to grow functional human tissues like those found in the human body, thereby providing the necessary tissues for transplantations and biomedical research. However, medical researchers have been frustrated in their inability to grow human tissues outside the body. Most present-day tissue growth systems do not provide the conditions needed to form the complex structure of tissue in the human body. However, NASA tissue-growth technologies hold the promise of someday alleviating the suffering caused by tissue and organ loss, a major breakthrough for biomedical research.

NASA technology has played an important role in my own work on the development of a mechanical artificial heart using elements of NASA turbopump technology. The use of these new artificial heart pumps is nearing reality.

I don't have space here to catalog all the potential contributions that the international Space Station could make to the world's biomedical research efforts. I hope the examples I have provided will serve to illustrate this basic point; NASA technology and Space Station research will support the broader fight against human disease and make tremendous contributions to the quality of life here on Earth.

Sincerely,

MICHAEL E. DEBAKEY, M.D.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, I am prepared to yield back the remainder of my time and vote now, if it is agreeable with the managers. The unanimous-consent agreement a moment ago was to vote at 5:30. We can just go ahead and vote now.

Mr. BOND. Mr. President, might I suggest we can handle one or two other matters while we are waiting for that. They are procedural matters. We had set earlier in the day, immediately following the vote on the space station amendment, a vote for an amendment offered by Senator MCCAIN and Senator GRAHAM. We have on both sides worked with them.

Ms. MIKULSKI. I wish to bring to the attention of the Senator from Missouri that Senator MCCAIN has changed the original amendment to actually improve it, I think substantially, and Senator HARKIN of Iowa wishes to be sure it has no negative impact in terms of his State. We cannot agree to the UC until we get a signoff from Senator HARKIN. So we cannot get consent to modify it.

Mr. BOND. Mr. President, then I will not make the unanimous-consent request. We think during the course of this next vote that we can bring everybody together and point out that the modification has moved in the direction that would be very beneficial to the interest that Senator HARKIN has raised.

With that, the time of 5:30 has arrived.

The PRESIDING OFFICER. Not yet, but it is approximately 5:30.

Mr. BOND. Close enough for Government work.

The PRESIDING OFFICER. It is close enough to 5:30 for the Presiding Officer.

Mr. BOND. Under that scenario, I move to table the Bumpers amendment and 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 is on agreeing to the motion to lay on the table amendment No. 5178. The yeas and nays have been ordered. The clerk will call the roll.

Mr. NICKLES. I announce that the Senator from Oregon [Mr. HATFIELD], the Senator from Alaska [Mr. MURKOWSKI], and the Senator from Pennsylvania [Mr. SANTORUM] are necessarily absent.

I further announce that, if present and voting, the Senator from Oregon [Mr. HATFIELD] would vote ''yea.''

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 60, nays 37, as follows:

[Rollcall Vote No. 267 Leg.]

YEAS—60

Akaka	Frahm	Mack
Bennett	Frist	McCain
Biden	Glenn	McConnell
Bingaman	Gorton	Mikulski
Bond	Graham	Moseley-Braun
Boxer	Gramm	Murray
Breaux	Grams	Nickles
Burns	Grassley	Pell
Campbell	Gregg	Pressler
Coats	Hatch	Reid
Cochran	Heflin	Robb
Coverdell	Hutchison	Rockefeller
Craig	Inhofe	Roth
D'Amato	Inouye	Sarbanes
Daschle	Johnston	Shelby
DeWine	Kassebaum	Simpson
Dodd	Kempthorne	Smith
Domenici	Kyl	Stevens
Feinstein	Lieberman	Thompson
Ford	Lott	Thurmond

NAYS—37

Abraham	Faircloth	Lugar
Ashcroft	Feingold	Moynihan
Baucus	Harkin	Nunn
Bradley	Helms	Pryor
Brown	Hollings	Simon
Bryan	Jeffords	Snowe
Bumpers	Kennedy	Specter
Byrd	Kerrey	Thomas
Chafee	Kerry	Warner
Cohen	Kohl	Wellstone
Conrad	Lautenberg	Wyden
Dorgan	Leahy	
Exon	Levin	

NOT VOTING—3

Hatfield	Murkowski	Santorum

The motion to lay on the table the amendment (No. 5178) was agreed to.

Mr. BOND. Mr. President, I move to reconsider the vote by which the motion to lay on the table was agreed to.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 5177, AS MODIFIED

Mr. MCCAIN. Mr. President, I ask unanimous consent to modify my amendment.

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

The amendment (No. 5177), as modified, is as follows:

On page 104, below line 24, add the following:

SEC. 421. (a) PLAN.—The Secretary of Veterans Affairs shall develop a plan for the allocation of health care resources (including personnel and funds) of the Department of Veterans Affairs among the health care Networks of the Department so as to ensure that veterans who have similar economic status and eligibility priority and who are eligible for medical care have similar access to such care regardless of the region of the United States in which such veterans reside.

(2) The plan shall—

(1) reflect, to the maximum extent possible, the Veterans Integrated Service Network developed by the Department to account for forecasts in expected workload and to ensure fairness to facilities that provide cost-efficient health care; and

(2) include—

(A) procedures to identify reasons for variations in operating costs among similar facilities where network allocations are based on similar unit costs for similar services and workload; and

(B) ways to improve the allocation of resources so as to promote efficient use of resources and provision of quality health care.

(C) adjustments to unit costs in subsection (a) to reflect factors which directly influence the cost of health care delivery within each Network and where such factors are not under the control of Network or Department management, and

(D) include forecasts in expected workload and consideration of the demand for VA health care that may not be reflected in current workload projections.

(3) The Secretary shall prepare the plan in consultation with the Under Secretary of Health of the Department of Veterans Affairs.

(b) PLAN ELEMENTS.—The plan under section (a) shall set forth—

(1) milestones for achieving the goal referred to in paragraph (1) of that subsection; and

(2) a means of evaluating the success of the Secretary in meeting the goal.

(c) SUBMITTAL TO CONGRESS.—The Secretary shall submit to Congress the plan developed under subsection (a) not later than 180 days after the date of the enactment of this Act.

(d) IMPLEMENTATION.—The Secretary shall implement the plan developed under subsection (a) not alter than 60 days after submitting the plan to Congress under subsection (c), unless within that time the Secretary notifies Congress that the plan will not be implemented in that time and includes with the notification an explanation why the plan will not be implemented in that time.

Mr. MCCAIN. Mr. President, I thank my colleague from Florida, Senator GRAHAM, for all of his efforts on behalf of this amendment. It has been modified. We have worked with the administration.

Mr. President, since this amendment was accepted in the three previous years and then dropped in conference, the Senator from Florida and I felt that we should have a rollcall vote on this although I think that vote will be nearly unanimous since it is basically the same. It was accepted 3 years before.

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

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Arizona, as modified. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Oregon [Mr. HATFIELD], the Senator from Alaska [Mr. MURKOWSKI], and the Senator from Pennsylvania [Mr. SANTORUM] are necessarily absent.

I further announce that, if present and voting, the Senator from Oregon [Mr. HATFIELD] would vote ''yea.''

The PRESIDING OFFICER (Mr. GORTON). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 79, nays 18, as follows:

[Rollcall Vote No. 268 Leg.]

YEAS—79

Abraham	Feinstein	Mack
Akaka	Ford	McCain
Ashcroft	Frahm	McConnell
Bennett	Frist	Mikulski
Bingaman	Glenn	Moseley-Braun
Bond	Gorton	Nickles
Boxer	Graham	Nunn
Breaux	Gramm	Pell
Brown	Grams	Pressler
Bryan	Grassley	Pryor
Bumpers	Gregg	Reid
Burns	Hatch	Robb
Campbell	Heflin	Roth
Chafee	Helms	Sarbanes
Coats	Hollings	Shelby
Cochran	Hutchison	Simpson
Cohen	Inhofe	Smith
Conrad	Inouye	Snowe
Coverdell	Jeffords	Specter
Craig	Johnston	Stevens
D'Amato	Kassebaum	Thomas
Daschle	Kempthorne	Thompson
DeWine	Kerrey	Thurmond
Domenici	Kyl	Warner
Dorgan	Levin	Wyden
Exon	Lott	
Faircloth	Lugar	

NAYS—18

Baucus	Harkin	Lieberman
Biden	Kennedy	Moynihan
Bradley	Kerry	Murray
Byrd	Kohl	Rockefeller
Dodd	Lautenberg	Simon
Feingold	Leahy	Wellstone

NOT VOTING—3

Hatfield	Murkowski	Santorum

The amendment (No. 5177), as modified, was agreed to.

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

The PRESIDING OFFICER. Without objection, a motion to table the motion to reconsider is agreed to.

The majority leader.

UNANIMOUS–CONSENT AGREEMENT—H.R. 3517 and H.R. 3845

Mr. LOTT. Mr. President, I ask unanimous consent that, at 9:30 a.m., on Thursday, September 5, the Senate proceed to the consideration of the conference report to accompany H.R. 3517, the military construction appropriations bill; further that, there be 20 minutes for debate only, equally divided in the usual form, and that following the expiration of debate the conference report be temporarily set aside and the Senate proceed to the conference report to accompany H.R. 3845, the D.C. appropriations bill, there be 10 minutes of debate only equally divided in the usual form, and that following debate the Senate proceed to a vote on the adoption of the military construction conference report, to be followed immediately by a vote on the adoption of the D.C. appropriations conference report.

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

ORDER OF PROCEDURE

Mr. LOTT. So Senators should be aware, this agreement will allow for two consecutive rollcall votes in the morning, Thursday, at 10 a.m. We will

come in session at 9:30, and then we will have the votes, two consecutive votes, at 10 o'clock.

The two votes we just had will be the last votes of tonight, provided we can get agreement on a list of amendments that will be brought up tomorrow. I have the commitment of cooperation of the Democratic leader to work with us to identify the amendments, get a finite list of amendments, so we will have that list we can proceed on tomorrow. If we cannot, you know, get this list of amendments worked out, we will have to consider other options, but I am assuming we are going to have good-faith cooperation, we are going to get these amendments, get them identified so we can complete action on the VA–HUD appropriations bill tomorrow. We had hoped to have more votes tonight and get it completed tonight, but there has been a good-faith effort made, certainly by the chairman and ranking Senator. And there have been other circumstances that have intervened that caused us to see if we could get the amendments agreed to and get the votes in the morning at 10 o'clock, back to back, and be prepared to complete the VA–HUD appropriations bill.

For the information of all Senators, there are two other things they need to be aware of. We are working on a bipartisan basis to see if we can come up with a resolution with regard to the situation in Iraq. There is going to be a meeting at 10 o'clock in the morning, bipartisan meeting, to see if some language can be agreed to.

In addition to that, with regard to the Defense of Marriage Act, you will recall there was a unanimous consent agreement entered into before we left for the August recess that provided a procedure to get that issue up for consideration beginning at 10 o'clock on Thursday. It provided that by 5 o'clock on Tuesday, up to four amendments could be offered on each side that would be voted on before we would get to final passage on the Defense of Marriage Act. But, also, after those four amendments on each side were filed as of 5 o'clock on Wednesday, the agreement could be vitiated and we would move on to other issues and decide on another way to handle the Defense of Marriage Act.

That has happened. After the amendments were filed there was a feeling, I presume on both sides, that the amendments were going to be a distraction. They were going to contribute to an atmosphere that would not be helpful in our trying to get agreements and passage on appropriations bills that we simply must get done during this month. So the minority leader and I talked about it and we understand each other. We are not going to go with that unanimous consent agreement.

I do want to emphasize we are going to have this issue brought up at some point. Unless we reach some other agreement, it would be my intent to bring it up and lay down the cloture motion on the motion to proceed. I have not made a decision exactly how we will do that or when we will do that. Part of it will depend on the cooperation we get on other issues, and whether or not we are making progress. But we would expect a vote or votes will occur on that issue sometime, probably next week, but without any final decision having been made as yet. Certainly I will consult with the Democratic leader before we take any action in that regard.

There is a lot more that could be said, a lot more accusations, charges or countercharges. Can we dispense with that and just get on with the business? I would like to proceed that way. I hope that is the way we will approach this appropriations bill and other appropriations bills.

I do have some additional unanimous consent requests here. I see the leader is on his feet. Would you like to comment at this point? I yield the floor at this time.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, let me just confirm the agreement that was anticipated, I think, by the majority leader's comments. He and I have been talking throughout the day in attempts to find some resolution to the problems we are facing with regard to finalizing the list on amendments to the HUD–VA bill. I have committed to the majority leader that it would be our hope that we could come up with a finite list tonight. I think we are pretty close to having that finite list available. I will share that with the majority leader later on.

It is my expectation the majority leader, as he has indicated, will work with us to finalize the language on the resolution relating to Iraq. The meeting, as he indicated, will be in his office tomorrow at 10. It will be my hope we could have the vote tomorrow on that resolution, and find a way in which to resolve the outstanding issues on the HUD–VA bill.

It is not our desire to preclude a vote, or to hold up a vote on the Defense of Marriage Act. Obviously, we had hoped we could come up with an agreement that would allow us a couple of amendments. As the majority leader indicated, there was concern on both sides and that was not possible. We want to work with the majority leader in finding a way to schedule that legislation and I am sure we can work through that as well.

So we hope we can get everyone's cooperation. As it relates to the pending bill, I have committed our best effort to see if we can come to closure on it. I know there are a number of amendments that will be offered. Hopefully, if we have the list, at least we can confine ourselves to that list and I pledge our best efforts to make that happen.

I yield the floor.

DEPARTMENT OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1997

The Senate continued with the consideration of the bill.

UNANIMOUS-CONSENT AGREEMENT

Mr. LOTT. Mr. President, I do have a unanimous consent request that would list the amendments that have been identified on both sides at this point. I assume there is a little padding going on, on both sides. But at least, if we could get this list agreed to, we would have then a finite list we could work from. I believe, as the night proceeds and the day proceeds tomorrow, we will not have to do all these amendments, but I would like to go ahead, if I could, and get agreement on it.

I ask unanimous consent during the remaining consideration of H.R. 3666, the VA-HUD appropriations bill, the following be the only remaining first-degree amendments in order and they be subject to relevant second-degree amendments, and no motions to refer be in order, and following the disposition of the listed amendments, the bill be advanced to third reading. The amendments are as follows:

An amendment by Senator BOND regarding multifamily housing; a Faircloth amendment on HUD fair housing; Senator BENNETT, GAO review; another one by Senator BENNETT, reimburse State housing finance agencies; Senator SHELBY, land transfer; Senator THOMAS, antilobbying general provision; Senator THOMAS, decrease funding for Council on Environmental Quality; Senator HELMS, law enforcement in housing; Senator MCCAIN, two amendments, one on FHA mortgages, one on FEMA disaster relief; one by Senator BOND regarding HUD grant and loan programs; a technical amendment by Senator BOND; two amendments by Senator NICKLES, one on union dues, one on runaway plants; Senator BOND, a managers' amendment; Senator HATFIELD, relevant; Senator COVERDELL, relevant; Senator LOTT, two relevant amendments; Senator LOTT, one on Iraq; Senator NICKLES, an amendment on 48-hour hospital stay.

Democratic amendments identified: Senator BINGAMAN on United States-Japan commission; Senator BRADLEY, one amendment regarding hospital stay for newborns; Senator BYRD, two relevant amendments; Senator DASCHLE, or his designee, one on runaway plants and one on Iraq; Senator FEINGOLD, one on NASA; one by Senator FEINSTEIN dealing with Downy land transfer, one on biotech, one identified as relevant; Senator GRAHAM, veterans resource allocation; Senator HARKIN, funding vets health care; Senator KENNEDY, an amendment on employment discrimination; Senator MIKULSKI, four relevant amendments; Senator MOSELEY-BRAUN, an amendment on mortgage registration; Senator SARBANES, an amendment on

NASA; Senator WELLSTONE, an amendment on mental health; Senator LEVIN, an amendment on lobbying; and Senator BAUCUS, an amendment on environmental quality.

It seems that any amendments that did not make it before the August recess, or the heart may desire to be considered any time soon, is on this list. I hope we will consider those that really do contribute to development of legislation that we can pass for VA–HUD, and we will work together and try to get that done. I so ask unanimous consent.

Ms. MIKULSKI. Reserving the right to object, my staff has advised me that the majority leader's list did not include a Fritz Hollings amendment on HUD.

Mr. LOTT. Mr. President, I ask that be included in the list of amendments identified for consideration.

Mr. WARNER. Mr. President, reserving the right to object, if I might just address the distinguished leader, Senator SARBANES and I are the cosponsors of the amendment designated ''Sarbanes, NASA.'' I believe it is my understanding that the managers have accepted that; is that correct?

Ms. MIKULSKI. Yes.

Mr. BOND. That is correct.

Mr. WARNER. I thank the distinguished managers.

Mr. LOTT. So that amendment has already been accepted; is that correct?

Mr. BOND. It will be accepted. It has not yet been accepted.

Mr. LOTT. It is the Sarbanes-Warner amendment dealing with NASA.

Mr. WARNER. I thank the distinguished leader and managers.

Mr. DASCHLE. Reserving the right to object, I obviously failed to list as one of our amendments the amendment relating to spina bifida. That was supposed to have been listed. It was left off. I think everybody just understood it was going to be here.

Mr. LOTT. I thought that was one of the two or three really serious amendments we had for consideration that related to the bill itself. I cannot believe we left that off. We will have an amendment by Senator DASCHLE relating to veterans' program for children with spina bifida.

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

Mr. BYRD. Mr. President, reserving the right to object, and I do not expect to object, I think I understood the distinguished majority leader correctly in that debate is not prohibited after third reading in his request.

Mr. LOTT. That is correct, that the bill be advanced to third reading and then stopped. I believe the Senator from West Virginia has made clear his desire that we have a few moments to look at this legislation when we reach that point, and we intend to do that.

Mr. BYRD. I thank the distinguished majority leader. I remove my reservation.

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

Mr. LOTT. Mr. President, I yield the floor. I hope the managers of the legislation will continue to work to see if they can reduce this list. I hope tomorrow that a number of these amendments will, in fact, be withdrawn and will be considered in some other forum another day. I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, may I inquire what is the pending business?

AMENDMENT NO. 5167

The PRESIDING OFFICER. The question recurs on the BOND amendment, No. 5167.

Mr. BOND. Mr. President, we raised this issue and filed this amendment yesterday. We had a good discussion on it. We had it printed. We wanted everybody to have an opportunity to look at it. As I advised yesterday, this is an attempt to deal with a very complex problem that has some real consequences.

HUD has given us estimates that if we don't do something with the oversubsidized section 8 contracts for multifamily housing, we are going to do one of two things: No. 1, if we continue to renew the contracts at existing rates, these are multifamily units where subsidies were granted in the form of section 8 rental payments to get people to develop housing for the elderly in rural areas, needed housing in urban areas, these overmarket rent section 8 contracts would have an exploding cost.

The appropriations for this year would be about $4.3 billion; for 1998, $10 billion; $16 billion by fiscal year 2000. The actual cost each year would grow from $1.2 billion in fiscal year 1997 to $4 billion in fiscal year 2000 and to $8 billion in 10 years. Those are the costs. If we just refuse to renew the contracts, we could have tens of thousands of people who depend upon these section 8 subsidized contracts thrown out on the street. These could be elderly people in rural areas. These are people in many parts of the country where there are no readily available alternatives for which vouchers could get them housing.

So we have proposed a system that sounds complex, but, basically, we would write down a portion of the debt on the project and the Government would take back a second mortgage that would be paid back at the end of the first mortgage, writing these contracts down to fair market rentals.

That is a very brief and overly simplistic discussion of the amendment. We have worked on this on a bipartisan basis not only in the Appropriations Committee but, more important, with the authorizing committee, with Senator D'AMATO, Senator SARBANES, Senator MACK and Senator KERRY. We appreciate very much their assistance on it.

This is a demonstration project for 1 year on the way to getting a permanent resolution of these exploding contract costs. I hope that we can adopt this amendment by voice vote.

Ms. MIKULSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I rise in support of the Bond amendment. I do it because it is the right thing to do at this time.

It starts to address a serious problem with our public housing. A large number of section 8 multifamily housing projects are subsidized by rents that far exceed the fair-market rent in the area. In fiscal year 1997 alone, HUD estimates there are 40,000 units whose contracts will expire at rents over 120 percent of the fair-market rent.

But Mr. President, this is not just an issue of numbers and statistics. This is an issue about real Americans and real lives. If we take the do-nothing approach, American taxpayers will continue to have their hard-earned tax money wasted by paying excessive rents. The Government can't afford to pay these excessive rents indefinitely.

If we take a strong-arm approach and try to force owners to lower the rents and we reduce subsidies, we risk massive defaults. In addition to the massive multibillion-dollar costs to HUD and the administrative burden it would cause the Agency, it could lead to massive resident displacement.

Mr. President, we're talking about real people in real communities potentially being out on the streets. None of us wants to be a part of putting people on the streets and increasing the homeless problem in our Nation. We as a nation are better than that. The residents deserve better and so do their communities.

I support the effort to begin addressing the problem. We must ensure that while we do so, we don't create hollow opportunities, don't create a generation of slum landlords, and don't create a new liability for the taxpayers. We don't want to just address the problem, we want to solve it—with creative and effective approaches.

This amendment is not a perfect solution, but it is a start. It allows HUD to negotiate with landlords of oversubsidized projects with contracts expiring in fiscal year 1997. HUD will seek to bring the rents of units over 120 percent of fair-market rent in line with the market rate where the units are located.

This amendment begins a process that we must continue to work on during the coming year. Some will voice concerns that this amendment goes too far, others will say it doesn't go far enough.

Mr. President, we must not make the perfect the enemy of the good. A modest beginning is better than no beginning. We can't afford to ignore the fact that over 750,000 units with subsidy problems are in the pipeline. The time to act is now. We can't afford to delay any longer. I urge my colleagues to support the amendment.

Mr. President, I just want to say this. This is not just an issue of numbers and statistics, this is an issue about real Americans and real lives. If we do nothing, the American taxpayer will continue to pay excessive rents. If we take a strong-arm approach, we could risk massive defaults.

I support this effort, because it absolutely begins to address the problem. We must ensure that in doing so we do not create a hollow opportunity for the poor, that Federal assistance does not generate a new class of sublandlords and new liability for the taxpayers.

I believe the Bond amendment is the right approach that talks about real opportunities for the poor, provides a safety net so that these projects do not collapse, but we begin to bring this into discipline and really focus on a market-based approach.

So, Mr. President, I support the amendment and urge its adoption.

The PRESIDING OFFICER. Is there further debate on the amendment? The question is on agreeing to the amendment.

The amendment (No. 5167) was agreed to.

Mr. BOND. I move to reconsider the vote.

Ms. MIKULSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BOND. Mr. President, I am most grateful for the assistance of my ranking member in dealing with that very difficult question. We may have to address this again in conference. But we think this is the start on the right path.

We have a number of amendments that I believe have been cleared on both sides. I propose that we proceed to those.

AMENDMENT NO. 5181

(Purpose: Prohibit HUD from removing regulatory requirements that HUD issue public notice and comment rulemaking.)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Missouri [Mr. BOND] proposes an amendment numbered 5181.

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

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

The amendment is as follows:

Insert at the appropriate place at the end of the section on HUD:

SEC. . REQUIREMENT FOR HUD TO MAINTAIN PUBLIC NOTICE AND COMMENT RULEMAKING.

The Secretary of Housing and Urban Development shall maintain all current requirements under Part 10 of the Department of Housing and Urban Development's regulations (24 CFR part 10) with respect to the Department's policies and procedures for the promulgation and issuance of rules, including the use of public participation in the rulemaking process.

Mr. BOND. Mr. President, this is a prohibition on a HUD rulemaking effort to eliminate HUD public notice and comment. The HUD recently issued a proposed rule that would, as a practical matter, remove any requirement for HUD to issue public notice and comments. This amendment would prohibit HUD from doing that. The Administrative Procedures Act does not require agencies to issue public notice and comment rulemaking for grant loan programs, but HUD has traditionally deferred to congressional and public interest that HUD programs be developed in an open manner to ensure that the implementation of programs are consistent with congressional intent and receive the benefit of public input and scrutiny.

Basically, the requirement for HUD to issue the public notice and comment rulemaking is not an accident. Because of the program abuses at HUD in the late 1960's, HUD chose public notice, this public airing, to get them out of a real crack, to convince people that a change HUD was operating on the up and up. It is critical that they do this because, without public notice and comment rulemaking, HUD can and has designed programs in the past that are inconsistent with congressional intent, not in the best interest of beneficiaries, and, frankly, smell.

Last year the inspector general raised some very real questions about the way that empowerment zones had been selected. A lot of compelling questions were raised in that report. I think it is necessary to keep the spotlight on HUD so that we can be sure that we know what they are doing, that Congress and the media and the public have a right to see what they are doing, so that there will be less temptation to abuse the process.

The most recent example of HUD's disregard of the congressional intent is one that is particularly galling to many of us who fought for the provision for a long time. There was a provision in S. 1494, the Housing Opportunity Programs Extension Act, which provided public housing authorities with broad authority to designate public housing as ''elderly only,'' ''disabled only,'' or a combination thereof. HUD proceeded to issue a proposed rule that would require extensive micromanagement by HUD and place an unreasonable burden on public housing authorities that want to designate the public housing as ''elderly only'' or ''disabled only'' housing. It is finding out that kind of activity before it occurs that should save us a great deal of heartburn and avoid a lot of heartburn for HUD.

Ms. MIKULSKI. Mr. President, I support the Bond amendment, even though my State, my city of Baltimore got an empowerment zone. We think we met the test. I still support the amendment. We believe that there should be public notice. It was part of a reform. We believe that public notices act in the public interest. It is as straightforward and as simple as that. I urge the adoption of the Bond amendment and the continuation of existing policy.

Mr. BOND. Mr. President, as I have previously discussed, I remain very concerned about HUD's ability and capacity to administer its programs effectively, and in some cases, fairly.

In early 1995, Senator MACK and I requested the HUD IG to review the HUD's procedures and decisionmaking in selecting and designating six urban empowerment zones. As you know, the use of empowerment zones to revitalize decaying urban centers has a long history, with perhaps its greatest proponent in Jack Kemp, when he was Secretary of Housing and Urban Development. Secretary Kemp never had an opportunity to implement his vision of empowerment zones.

Empowerment zone legislation was finally enacted as part of the Omnibus Budget and Reconciliation Act of 1993 on August 10, 1993. This legislation proposed the establishment of nine empowerment zones, six urban and three rural zones, in distressed communities. Empowerment zones received some funding of $100 million as well as significant tax benefits designed to encourage employment in the empowerment zone. On December 21, 1994, President Clinton announced the designation of six urban empowerment zones and three rural empowerment zones. Another 66 urban communities and 30 rural communities were designated as enterprise communities with reduced benefits. The urban zones were New York City, Camden/Philadelphia, Atlanta, Chicago, Baltimore, and Detroit.

Nevertheless, no program, however well intended and designed, will work if the wrong people and the wrong communities are selected to implement and carry through the program. Much to my concern, the HUD IG confirmed my worst fears that HUD's designation of the empowerment zones did not likely include those communities that had put together the best partnerships and plans for implementing the empowerment zones.

The HUD IG report—pages 2, 6, and 7—indicates that the entire selection process was handled as a discretionary process, with all final decisions made by the Secretary. The report raises major issues as to whether HUD used a competitive or meritorious process in designating zones. The report is clear that if a competitive process was used, there is no record of the decisionmaking.

This is no way to run a program. Cities and localities exerted tremendous energy to forge partnerships and leverage local funding to put the best empowerment zone plan forward. These cities and localities believed that their applications would be considered on a level playing field.

I have heard reports that many of the designated empowerment zones have not performed well, that projected partnerships have faded and that

groups in some cities are having a food fight over the funding and the benefits. I know that major concerns have been raised with respect to the empowerment zones in Camden/Phillie and New York City. I think that it is time that we revisit and audit the current status of empowerment zones. If Federal dollars are being misused or abused, we need to find out, and we need to ensure that HUD is doing its job in preventing abuses.

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

Mr. BOND. Mr. President, I note that Kansas City got an empowerment zone as well. But there were many questions raised in it. I have no further debate on this.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 5181) was agreed to.

Mr. BOND. I move to reconsider the vote.

Ms. MIKULSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 5182

(Purpose: To require the Secretary of Veterans Affairs to convey certain real property to the City of Tuscaloosa, Alabama)

Mr. BOND. Mr. President, I send an amendment to the desk and ask for its immediate consideration. This amendment is offered on behalf of Senator SHELBY. It has been cleared on both sides.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Missouri [Mr. BOND] for Mr. SHELBY, proposes an amendment numbered 5182.

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

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

The amendment is as follows:

At the end of title I, add the following:

SEC. 108. (a) The Secretary of Veterans Affairs may convey, without consideration, to the city of Tuscaloosa, Alabama (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 any improvements thereon, in the northwest quarter of section 28 township 21 south, range 9 west, of Tuscaloosa County, Alabama, comprising a portion of the grounds of the Department of Veterans Affairs medical center, Tuscaloosa, Alabama, and consisting of approximately 9.42 acres, more or less.

(b) The conveyance under subsection (a) shall be subject to the condition that the City use the real property conveyed under that subsection in perpetuity solely for public park or recreational purposes.

(c) 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 Veterans Affairs. The cost of such survey shall be borne by the City.

(d) The Secretary of Veterans Affairs 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.

Mr. BOND. I do not believe this is controversial. It provides permissive authority to the Veterans' Administration to transfer lands to the city of Tuscaloosa, AL, for a recreational facility.

Ms. MIKULSKI. Mr. President, we consulted with the Veterans' Administration, and they have advised us they also concur with the amendment. I do so and therefore urge that the amendment be adopted.

The PRESIDING OFFICER. Without objection, the amendment is adopted.

The amendment (No. 5182) was agreed to.

Mr. BOND. I move to reconsider the vote.

Ms. MIKULSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Missouri.

AMENDMENT NO. 5176, AS MODIFIED

Mr. BOND. Mr. President, I ask that the pending business be amendment No. 5176, the McCain amendment on the Federal Emergency Management Act.

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

Mr. BOND. Mr. President, on behalf of Senator MCCAIN, I send to the desk a modification. This modification makes one small change.

The PRESIDING OFFICER. The amendment is so modified.

The amendment, as modified, is as follows:

On page 75, line 10, after the word ''expended'' insert the following: ''*Provided*, That no money appropriated for the Federal Emergency Management Agency may be expended for the repair of yacht harbors or golf courses except for debris removal; *Provided further*, That no money appropriated for the Federal Emergency Management Agency may be expended for tree or shrub replacement except in public parks; *Provided further*, That any funds used for repair of any recreational facilities shall be limited to debris removal and the repair of recreational buildings only.''

Mr. BOND. This change, after much intensive work, and extensive staff discussion and thought, changes the word ''marinas'' to ''yacht harbors,'' which I think satisfies the concerns that were raised in the discussion of the MCCAIN amendment. I believe it is agreeable on both sides.

As I stated in the discussion of it, this is just the beginning of what needs to be a major review of the limitations on disaster relief for recreational and landscape facilities, a part of the process that the FEMA IG has said must be undertaken. FEMA has agreed to undertake it, and we may be revisiting this in conference. Certainly we will work with the authorizing committees afterward to get a much better control over the expenditures of disaster relief money.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. First of all, Mr. President, the modification was made at my request. As the Senator knows, marinas in many instances are small businesses and are the equivalent in my State of family farms or small ranches. So we thank Senator MCCAIN for his courtesy in modifying it. We do support the amendment because it is based on an IG report. We think it really brings an important discipline to the FEMA program. We can fund disasters but we cannot create a budget disaster for ourselves. Therefore, I urge the adoption of the MCCAIN amendment as modified.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 5176), as modified, was agreed to.

Mr. BOND. I move to reconsider the vote.

Ms. MIKULSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 5183

(Purpose: Deletes EPA language relating to funds appropriated for drinking water state revolving funds. This language is no longer necessary given the enactment of drinking water state revolving fund legislation)

Mr. BOND. Mr. President, I send to the desk a technical amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Missouri [Mr. BOND] proposes an amendment numbered 5183.

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

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

The amendment is as follows:

On page 72, beginning on line 11, strike the phrase beginning with '', but if no drinking water'' and ending with ''as amended'' on line 15.

Mr. BOND. Mr. President, this amendment is a technical amendment. It is cleared on both sides. It simply deletes a provision that we carried in the bill when it was reported out of the Appropriations Committee at that time. The drinking water legislation had not been enacted. It obviously has now been enacted and signed into law. So we delete the provision, and with the enactment of the drinking water legislation, this language is no longer necessary.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I concur with Senator BOND's amendment and urge its adoption.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 5183) was agreed to.

Mr. BOND. I move to reconsider the vote.

Ms. MIKULSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Missouri.

AMENDMENT NO. 5184

Mr. BOND. Mr. President, I send an amendment to the desk on behalf of Senator BENNETT and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Missouri [Mr. BOND] for Mr. BENNETT, proposes an amendment numbered 5184.

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

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

The amendment is as follows:

At the appropriate place insert:

SEC. . GAO AUDIT ON STAFFING AND CONTRACTING.

The Comptroller General shall audit the operations of the Office of Federal Housing Enterprise Oversight concerning staff organization, expertise, capacity, and contracting authority to ensure that the office resources and contract authority are adequate and that they are being used appropriately to ensure that the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation are adequately capitalized and operating safely.

Mr. BENNETT. Mr. President, I rise today to add an amendment to H.R. 3666 which will emphasize my concern about the multiyear delay of a scheduled GAO audit of the OFHEO, Office of Federal Housing Enterprise Oversight. OFHEO is required by statute to create an effective review process to, in effect, ensure the fiscal safety and soundness of Freddie Mac and Fannie Mae. Quite frankly, it concerned me when I was informed that OFHEO was, in turn, several years behind schedule in producing a model to oversee these two important housing enterprises.

I continue to be concerned that mission creep may take hold of this regulator. Trips abroad to consult with other countries on how to regulate their housing enterprises should be curtailed until our own regulator is up and running. Therefore, it is my intent to refocus the GAO report to make sure OFHEO is still on track, and that it continues to focus all of its efforts on completing its very important mission. It is my intent to make sure that before OFHEO grows any larger, it is on track with a clear vision of its goals and responsibilities.

Mr. BOND. Mr. President, Senator BENNETT has been a leader in this area in attempting to develop adequate oversight of the Office of Federal Housing Enterprise Oversight.

He directs that the Comptroller General audit the operations to ensure that the office resource's contract authority are adequate, they are being used appropriately to ensure that the Federal National Mortgage Association, Federal Home Loan Mortgage Corporation, Fannie Mae and Freddie Mac are adequately capitalized and operating safely.

Ms. MIKULSKI. Mr. President, I support the amendment as offered by the Senator from Utah. He raised this very important issue during our hearings and was concerned very much about mission creep in this Office of Federal Housing and Enterprise Oversight. It was his intent, as it is ours, that it focus on ensuring that Fannie Mae and Freddie Mac have fiscal safety and soundness. It was not meant to take foreign trips and see how the world is doing this. Fannie Mae and Freddie Mac have been around. It is our job to make sure that they are not only around, but are safe and sound and ready to do the job. We want to make sure they are fit for duty.

I support the Bennett amendment as offered by Senator BOND.

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

The amendment (No. 5184) was agreed to.

Mr. BOND. I move to reconsider the vote.

Ms. MIKULSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 5185

(Purpose: To prohibit the consolidation of NASA aircraft at Dryden Flight Research Center, California)

Ms. MIKULSKI. Mr. President, I send an amendment to the desk on behalf of Senator SARBANES, Senator WARNER, Senator FEINSTEIN and myself.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Maryland [Ms. MIKULSKI], for Mr. SARBANES, for himself, Mr. WARNER, Mrs. FEINSTEIN, and Ms. MIKULSKI, proposes an amendment numbered 5185.

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

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

The amendment is as follows:

On page 104, below line 24, add the following:

SEC. 421. None of the funds appropriated or otherwise made available to the National Aeronautics and Space Administration by this Act, or any other Act enacted before the date of the enactment of this Act, may be used by the Administrator of the National Aeronautics and Space Administration to relocate aircraft of the National Aeronautics and Space Administration to Dryden Flight Research Center, California, for purposes of the consolidation of such aircraft.

Ms. MIKULSKI. This is a very straightforward amendment, Mr. President. What it does is preclude that no Federal funds be spent in consolidating NASA aeronautics facilities at Dryden Air Force Base. We feel NASA's proposal to do this is premature. Questions have been raised about the NASA proposal by the inspector general. We have been consulting with NASA about this and have lacked clarity from NASA in terms of what its future intent is.

It is one thing, I think, to talk about consolidation, but the IG raises many yellow flashing lights. So for now we wish to prohibit the consolidation until NASA comes forward with justification that then meets the requirements established by Senator SARBANES, myself, Senator WARNER, and Senator FEINSTEIN.

We hope this can be resolved before conference. In the meantime, we support the fact that none of the funds be used by the Administrator to relocate aircraft of NASA to Dryden.

Mr. BOND. Mr. President, the Senator from Maryland has been concerned and has been very active in bringing these matters to our attention. I do agree we will look at this very carefully prior to conference. We want to work with NASA to make sure that steps they are taking are, indeed, efficient, effective and could not cause any unnecessary dislocation or hardship.

Since there are a number of colleagues who have expressed great interest in this, we will attempt to learn more about it prior to the conference. We strongly support the amendment in the current form, and urge its adoption.

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

The amendment (No. 5185) was agreed to.

Mr. BOND. I move to reconsider the vote.

Ms. MIKULSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 5179

(Purpose: To amend provision appropriating monies to the Council on Environmental Quality to the level approved by the House)

Mr. THOMAS. Mr. President, I call up my amendment numbered 5179.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Wyoming [Mr. THOMAS] proposes an amendment numbered 5179.

In title III, at the end of the subchapter entitled: Council on Environmental Quality and Office of Environmental Quality, strike ''$2,436,000.'' and insert in lieu thereof ''$2,250,000.''

Mr. THOMAS. Mr. President, this is an amendment, obviously, that decreases the funding level for the Council of Environmental Quality in the amount of funding that was passed by the House, and I rise to discuss this.

This amendment is offered largely because of what I think is the unfortunate changes that have taken place in CEQ during the Clinton administration. Congress established this council, the National Environmental Policy Act, to facilitate the implementation of NEPA and to coordinate the environmental activities of the executive branch.

Congress envisioned CEQ as a technical resource for Federal agencies that were confronted with questions about NEPA. Unfortunately, the intention and reality have diverged under the Clinton administration. CEQ has

not fulfilled the statutory mandates of NEPA, nor many of the promises which the chairman made to this Congress. I happened to be involved with the committee hearings last year on the confirmation of this chairman, and we talked a lot about how we were going to work together.

Instead, CEQ has been actively engaged in partisan kinds of things with respect to those issues before the Congress. CEQ has not done many of the things that have been prescribed under the law. NEPA requires CEQ to provide an annual quarterly report—annual. The last report prepared was completed 3 years ago, in 1993, and that report remains the only report CEQ has prepared under the Clinton administration despite the statutory mandate.

In that report, CEQ promised a handbook to facilitate Agency compliance of NEPA. This handbook still has not been drafted, let alone published for Agency use. CEQ promised the Congress a comprehensive study of NEPA's effectiveness at the end of 1995. CEQ's effectiveness study has still not been finalized despite repeated assurances that it would be. They promised Congress it would assist the Forest Service in streamlining the Agency's issuance of grazing permits. After some initial progress, there has not been a meeting between the Forest Service and CEQ in 6 months.

Last November, Senator CRAIG and I sent a detailed letter to Ms. McGinty, the chairman, suggesting reform to NEPA, compliance at the Forest Service. Other than an initial ''thank you'' for the letter, we have not heard anything about those suggestions.

This lack of followup is all too common at the CEQ and indicative of an Agency which apparently has lost its way. Things CEQ has been doing under the administration, CEQ has been involved in every timber sale which has occurred in national forests, been involved in the northern spotted owl debate in the Pacific Northwest, and now injected itself into the California spotted owl.

Ms. McGinty has taken up a number of things that are basically political, propaganda, including grazing, and has characterized the Public Rangeland Management Act, passed by this Senate, as a special interest give-away; lambasted the Republican platform as full of ''anti-environmental language,'' such as private property rights and streamlining regulations, despite the fact that in the hearings she indicated that is what we ought to do, make it simpler and streamline.

On timber salvage legislation, House Members have written to the President complaining about mischaracterization of the law.

Mr. President, I guess I use this opportunity to talk a little bit about something that bothers me a great deal.

I am very much interested in the kinds of things that go on in the environment and very much interested in the kinds of things that go on in the West. I am very much interested in trying to simplify and make more effective NEPA and some of the other activities that relate to that. I think that this has not been done. I think it should be done. There needs to be a wake-up call to that committee. Perhaps this will be that.

Rather than pursue it, however, in view of the time and things we are doing, I will withdraw my amendment. But I do want to have this opportunity to say that I think we need to do something differently. There are great opportunities for this committee to be effective and to bring about less rhetoric and more action.

So, Mr. President, I thank the managers of the bill for this opportunity. I ask unanimous consent that the amendment be withdrawn, and I will continue to work with it in the conference committee.

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

The amendment (No. 5179) was withdrawn.

Ms. MIKULSKI. Mr. President, I want to comment before the Senator from Wyoming leaves the floor. I thank him for withdrawing the amendment rather than embroiling us in controversy. I want to acknowledge the concerns that he has raised, and I respect them. As we move toward conference, perhaps there is report language or something that prods EPA in the direction to be more responsive to Members' inquiries and that the focus of the agency is to review environmental legislation and comment on it from that perspective and not be a propaganda machine. I acknowledge the validity of that.

Mr. THOMAS. I thank the Senator from Maryland, and I look forward to further discussion.

Mr. BOND. Mr. President, let me add my thanks, also, to the Senator from Wyoming for allowing us to move past that particular amendment. We have worked very hard to avoid some of the controversies. We are not going to avoid all of them. But we did understand what he said and the concerns he has. We have heard others raise those concerns. We will work with him and other Members to try to resolve those concerns. We very much appreciate his consideration in withdrawing the amendment.

FEMA AUDIT OF KAUAI COUNTY

Mr. INOUYE. I wish to raise an issue of concern with the managers of the bill. It relates to the direction of an audit conducted by the Federal Emergency Management Agency's [FEMA] inspector general on the county of Kauai and the State of Hawaii on the damages caused by Hurricane Iniki. It looks to undo insurance settlements, sanctioned by FEMA and agreed upon 4 years ago. In doing so, the inspector general would renege on funding commitments FEMA previously made, thereby leaving the county with outstanding obligations and in debt. The State of Hawaii voluntarily purchased insurance over that which was required after Hurricane Iwa hit in 1981. To now second guess the county's settlement with its insurance carriers, and then use it as the basis for denying previously approved damage survey reports [DSR's] is without precedent. It is a disincentive for States and cities to insure themselves against natural disasters. FEMA is wrongly penalizing a State for its good faith effort to minimize future losses and reduce the expenditure of Federal funds. There are currently no clear guidelines in the Stafford Act.

Mr. BOND. As the Senator from Hawaii knows, I support efforts to improve controls on disaster relief expenditures. However, I am sympathetic to the concerns raised by the Senator. I understand that the county of Kauai and the State of Hawaii are concerned with a FEMA IG's audit report regarding damages caused by Hurricane Iniki, and I encourage FEMA to reach a resolution in which FEMA ensures that the county and State are reimbursed for all eligible costs resulting from the 1992 event. The committee also directs FEMA to provide its policy justifications and recommendations regarding this matter. Finally, I believe that FEMA's policies should do everything to encourage, not discourage, States for efforts to minimize future losses and reduce the expenditure of Federal funds, such as strong insurance requirements.

Ms. MIKULSKI. I join Chairman BOND in encouraging FEMA to reach a resolution in which FEMA ensures that the county of Kauai and the State of Hawaii are reimbursed for all eligible costs resulting from Hurricane Iniki. I also support the chairman's effort in directing FEMA to provide its policy justifications and recommendations on this matter.

Mr. INOUYE. I thank the managers of the bill for your assistance in this matter.

Mr. MURKOWSKI: Mr. President, I am here today because the people of Alaska face a very serious problem. But, unlike other times when we face problems and find solutions, in this case the solution may be even worse. I'm referring to the use of oxygenated fuels to reduce the emissions of carbon monoxide. These alternative fuels are required by the Clean Air Act Amendments of 1990. Alaska has two areas where carbon monoxide levels are above those required by the law. But when we tried using gasoline treated with ether-based oxygenates, the people of Alaska became ill. Headaches, coughs, nausea, as well as other ailments, all resulted from exposure to these fuel additives.

Additionally, study after scientific study shows, oxygenated fuel doesn't reduce carbon monoxide levels in the extreme cold of Alaska. This finding was recently reinforced by a report of the National Research Council [NRC].

The NRC recognized that oxygenated fuels decrease carbon monoxide emissions under Federal test procedure conditions using fuel-control systems, but also stated that ''* * * the data presented do not establish the existence of this benefit under winter driving conditions.'' And oxygenates increase the costs of gasoline for the average working Alaskan. In sum, Mr. President, no environmental benefit, adverse health effects, and higher fuel costs. This is not the solution the Clean Air Act intended.

I am pleased to be here with my friend Senator BOND from Missouri and my friend Senator FAIRCLOTH from North Carolina to discuss this issue today. In previous years, the VA/HUD Appropriation Act has included language that prohibited implementation of an oxygenated fuel program in States where the winter temperature is below 0 degree. That language was designed to allow time for additional studies to be conducted on using ethanol-treated fuel in our cold weather, and to keep Alaskans from suffering adverse health effects with no environmental improvement in the quality of our air. I had hoped to see that amendment included in this year's bill.

Mr. BOND. I appreciate the situation facing the Senator from Alaska. I know he also appreciates the situation of our committee. We in Congress have tried very hard this year to address difficult issues that arise over implementation of our environmental laws. America has made significant progress in improving environmental quality, but sometimes our efforts to protect health and the environment have the opposite effect. Unfortunately, it has become increasingly difficult and unwieldy to address each of these instances in appropriations legislation.

Mr. MURKOWSKI. I thank my friend from Missouri, and I understand that his appropriations legislation cannot be turned into the Senate's version of the Corrections Day Calendar such as we have in the House. It is my intention to refrain from offering my amendment at this time, but I will need the able assistance of the chairman of the VA/HUD Subcommittee, and my distinguished colleague from North Carolina, the chairman of the Subcommittee on Clean Air of the Environment and Public Works Committee in addressing this problem. I believe the people of Fairbanks want to take the appropriate steps to address their carbon monoxide problem. I also think that the administration of region 10 of the U.S. Environmental Protection Agency is willing to work with them in a cooperative, flexible manner. But the science is clear that oxygenated fuel may not be the answer in very cold weather. I would ask the assistance of the subcommittee chairmen in two areas. First, will they aid us in working with the EPA to craft emission reduction programs for Alaskans that are flexible and workable? And second, will they work with the Alaska delegation to fix the provisions in the statute that may be driving Alaska toward remedies for air pollution that don't work?

Mr. FAIRCLOTH. I will be happy to assist the Senator from Alaska in any way I can regarding the possible misapplication of Clean Air Act requirements. The citizens of Alaska should not be forced to accede to a regulatory scheme which imposes significant additional costs, has no discernable health or environmental benefit, and may actually be creating harmful health effects. Together with the EPA, we can work to fix this situation for the people of Alaska and those similarly situated in other parts of the country.

Mr. BOND. The Senator from Alaska can count on any assistance I may be able to provide as he seeks a solution of this problem for his affected constituents.

Mr. MURKOWSKI. I thank my colleagues and I thank the Chair.

CLEAN LAKES PROGRAM FUNDING IN EPA BUDGET

Mr. LEAHY. Mr. President, the Clean Lakes Program, administered by EPA under Section 314 of the Clean Water Act, is in serious jeopardy. For many years, this valuable program helped define the causes and extent of pollution problems in our Nation's lakes. States used program grants to implement effective treatments to restore environmentally degraded lakes, and to guard against future damage.

Nearly 90 percent of the U.S. population lives within 50 miles of a lake, with a combined economic impact of billions of dollars. The Clean Lakes Program has provided targeted assistance to these lakes resulting in renewed recreational opportunities, increased wildlife, and enhanced property values that improved water quality brings.

Despite this track record however, EPA is in the process of combining the Clean Lakes Program with the much larger Nonpoint Source Pollution Control Program, Section 319 of the Clean Water Act. Section 319 is designed to address polluted runoff from cities, farms, and other sources. The needs of lake managers and lake users are too easily lost when forced to compete with projects affecting entire watersheds. Ironically, some of the most visible and immediate problems facing lake users, such as controlling non-native nuisance aquatic weeds like Eurasian water milfoil and hydrilla, are not even eligible for funding under the 319 program. These weeds, introduced from Asia and other locations, are threatening aquatic habitat, recreation, navigation, flood control efforts, and waterfront property values. When Vermont found a beetle that appeared to be controlling milfoil, the Clean Lakes Program provided funds to investigate further to determine whether the beetle could be used for weed control. Vermont's investigations have now ended, but numerous other States around the country, including Minnesota, Wisconsin, Illinois, Massachusetts, and Washington, have recently taken up the effort and are carrying on the work. Together, this work may result in a cost-effective control method for Eurasian milfoil. Without the Clean Lakes Program, Vermont would not have been able to initiate the studies, and other States would not have been able to expand on Vermont's efforts to solve a national problem.

The Clean Lakes Program has been highly successful in helping individual States restore lakes with severe problems, and then using the lessons learned in the process to help other States restore their lakes as well. Each State needs the information and experience gained by other States to cost-effectively restore their own lakes.

The Appropriations Committee recognized the importance of preserving the important qualities of the Clean Lakes Program in the fiscal year 1996 Appropriations bill, as the House has done in its fiscal year 1997 report, by including language specifically requiring EPA to continue funding the activities of the Clean Lakes Program through section 319. Senator BOND, do you support the language included in the House Appropriation bill specifying that activities like aquatic plant control, previously eligible for funding under the Clean Lakes Program, qualify for funding under the section 319 program?

Mr. BOND. Senator LEAHY, I know you have been a long time supporter of the Clean Lakes Program, and that the program has funded valuable lake inventory and restoration activities in Vermont and around the country. While this bill does not fund a separate Clean Lakes Program I do continue to support the language included in the fiscal year 1996 Appropriations bill and again in the House appropriations bill for fiscal year 1997, clarifying that activities funded under the Clean Lakes Program should continue to be funded under the 319 program.

ROBERT S. KERR ENVIRONMENTAL RESEARCH LABORATORY

Mr. INHOFE. Mr. President, I would like to take this opportunity to thank my colleagues for including language in last year's report that accompanied the VA, HUD, and independent agencies appropriations bill, encouraging the ground-water quality and remediation procedure research at the Kerr Environmental Research Laboratory in Ada, OK. I would like to particularly thank Subcommittee Chairman BOND and ranking member Senator MIKULSKI. I would also like to thank my colleagues for including the reauthorization of the Kerr Laboratory and University Consortium in the Senate-passed Safe Drinking Water Act. The Kerr Environmental Research Laboratory is a vital component of our country's environmental research. The laboratory is the premier ground water research facility in the United States and the world. The work accomplished at

this facility is vital to both the Drinking Water and Superfund programs.

Mr. BOND. I thank the Senator from Oklahoma for raising the importance of this research facility. The legislation under consideration does not specifically reference the Kerr laboratory although the importance of its research is fundamental to many of the programs at the Environmental Protection Agency. It is my understanding that the purpose of the Kerr Laboratory is to develop the knowledge and technology needed to protect the United States' ground water supplies and conduct research to develop better ways to clean up existing ground water contamination. This research is important for the recently reauthorized Safe Drinking Water Act and the Superfund Program.

Mr. INHOFE. I thank my colleague from Missouri. As members of the Senate Environment and Public Works Committee we share a concern that the programs at the EPA should be grounded in sound science and that the Agency must continue to produce sound scientific research to be used in the regulatory process. Continuing and encouraging the ground water research at the Kerr Laboratory will not only help protect the environment but will ensure that newly developed knowledge and technology for ground water remediation at contaminated sites to be made available to the remediation industry in a usable and timely manner. This research facility is essential in continuing to protect our country's ground water resources and I urge the EPA to continue to support the Kerr Laboratory.

EPA FUNDING FOR THE SOKAOGON CHIPPEWA COMMUNITY

Mr. KOHL. I would like to engage the chairman of the subcommittee, the Senator from Missouri, in a colloquy regarding EPA funding for the Sokaogon Chippewa community in Wisconsin to assess the environmental impacts of a proposed sulfide mine.

In the fiscal year 1995 and fiscal year 1996 VA, HUD, and Independent Agencies Appropriations Acts, funding has been provided to assist the Sokaogon Chippewa community in Crandon, WI, in their efforts to gather the baseline data needed to adequately assess the effects of a large sulfide mine proposed adjacent to their reservation. As a result of the proposed mine, concerns have been raised about the possible degradation of the ground and surface water in the area, as well as possible negative effects on the wild rice production activities within the reservation.

I believe that the efforts undertaken by the Sokaogon Chippewa community are very worthwhile, and have been helpful in allowing the tribe to contribute accurate and up-to-date data to the Federal agencies reviewing the mine proposal. Would the Senator from Missouri agree that this project is very worthwhile?

Mr. BOND. I thank the Senator from Wisconsin for raising the ongoing concerns of the Sokaogon Chippewa community, and I concur with the Senator that their efforts to be proactive in assessing the potential efforts of mining on their lands are worthwhile and laudable.

Mr. KOHL. While funding has not been provided specifically for the Sokaogon Chippewa in the Senate version of this year's bill, it is my understanding that there are many other opportunities for securing Federal funding for this project. First and foremost, I would like to request the chairman's strong consideration for this project during conference with the House. In the past 2 fiscal years, the conference committee has included funding for this project, and the same arguments for its inclusion continue this year as well.

Mr. BOND. I assure the Senator from Wisconsin that I will certainly give this project every consideration in conference. Further, there are many additional options available for funding important projects such as this. For example, it is not unusual for EPA to fund projects through the reprogramming of funds from other programs or lower priority projects.

Mr. KOHL. I thank the Senator for his comments, and look forward to continuing to work with him on this matter.

WEST CENTRAL FLORIDA ALTERNATIVE WATER SOURCE PROJECT

Mr. MACK. Mr. President, the subcommittee has generously funded several alternative water source projects in west central Florida in the last two EPA budgets. These funds have provided critical support to assist with the development of new technologies and applications to help ensure that the fastest growing State in the country will be able to keep up with the ever-increasing demand for water for potable, agricultural, commercial, and industrial uses. The subcommittee's support for these programs has been greatly appreciated as Senator GRAHAM and I have been working with our colleagues in both the Senate and the House to establish an authorized program for Florida and other Eastern States to assist with the development of alternative water sources similar to those currently available to most of the Western States through the Bureau of Reclamation. Although the subcommittee was not able to make any funds available during fiscal year 1997 for the projects in Florida, I want to thank the chairman for his past support and look forward to working with him to address this important concern in next year's appropriations bill for EPA.

Mr. BOND. I appreciate the remarks of the Senator from Florida and commend him and others working on this to responsibly plan for our Nation's future water supply needs. I share his concerns and look forward to working with him. I would note that the VA/HUD bill provides $1.275 billion for drinking water State revolving funds, providing much needed assistance to every State for such meritorious projects as those raised by the Senator from Florida.

UPPER MIDWEST AERONAUTICS CONSORTIUM

Mr. DORGAN. I would like to thank the chairman and the ranking member for including language in the report to accompany the fiscal year 1997 VA–HUD appropriations bill concerning the Upper Midwest Aeronautics Consortium [UMAC], a group of universities and businesses which are working with NASA's Mission to Planet Earth. I would simply like to clarify one point about the report language.

Mr. BOND. We would be happy to engage in a colloquy with the Senator on this matter.

Mr. DORGAN. The report language accompanying the bill states that UMAC has successfully completed an initial study of the concept of converting Mission to Planet Earth [MTPE] data into practical information for use by the public and that NASA should give every consideration to funding UMAC under a solicitation program for the expanded use of MTPE data in the areas of agriculture, education and natural resources. I would just like to clarify that UMAC is not limited by the report language solely to funding under this grant program but can seek additional assistance from other NASA sources as well.

Mr. BOND. The Senator from North Dakota is correct. UMAC can seek funding from any available sources within NASA, and is not limited to the grant solicitation program mentioned in the Committee report.

Ms. MIKULSKI. That is my understanding as well. I am very pleased with the work accomplished by UMAC to date in making data from MTPE available to the public. This kind of practical application of scientific data is exactly the type of public private partnership that we should be encouraging. It has the potential for reaching thousands of our citizens, providing them with a broader base of understanding and support for the important work of Mission to Planet Earth.

Mr. DORGAN. I would like to thank both Chairman BOND and Senator MIKULSKI for this clarification.

DIABETES INSTITUTES AT THE EASTERN VIRGINIA MEDICAL SCHOOL

Mr. ROBB. Would the distinguished chairman and ranking member of the subcommittee be willing to enter into a colloquy with this Senator concerning some language included in the conference report to the House passed VA/HUD appropriations bill?

Ms. MIKULSKI. The Senator from Missouri and I would be pleased to enter into a colloquy with the Senator from Virginia.

Mr. ROBB. I thank my colleague and I say to my friends, we have in Norfolk, Virginia, a medical center—the Diabetes Institutes at the Eastern Virginia Medical School—which is distinguished for its work in diabetes research, education, and clinical care. The Diabetes

Institutes is interested in establishing a research program with the Veterans' Administration to reduce the cost of care to veterans with diabetes. The House of Representatives included report language in support of the diabetes Institutes in this regard, and I wondered if the Chairman and ranking member of the subcommittee here in the Senate would be willing to work to retain the House language in conference.

Mr. BOND. I have no objection to the House report language.

Ms. MIKULSKI. I would be pleased to do what I can to retain the House language in support of the Diabetes Institutes in the final conference report.

Mr. ROBB. I thank my friends from Missouri and Maryland for their kind assistance with this matter.

ONONDAGA LAKE MANAGEMENT CONFERENCE

Mr. MOYNIHAN. Mr. President, I rise to enter into a colloquy with the distinguished Senator from Missouri and the distinguished Senator from Maryland about funding for the Onondaga Lake Management Conference. As they both know, the conference was authorized in 1990 to develop a plan for the cleanup of Onondaga Lake, the most polluted lake in the country. The commission is composed of the State and local officials involved in the cleanup effort, as well as representatives from the Army Corps of Engineers and the EPA.

In addition to the ongoing planning effort, the Commission helps support pilot programs to restore plants and fish to the lake, demonstration projects to measure oxygenation of the lake, remediation projects to address combined sewer overflow problems, and other important initiatives.

Ongoing funding is necessary to complete the work of the conference, including these projects. I ask my colleagues to consider an allocation of $500,000 for the management conference when this bill goes to conference.

Ms. MIKULSKI. I am aware of the work being done by the management conference, and that we have funded it each year since fiscal year 1990. I too hope we will be able to set aside funds for the operations of the conference.

Mr. BOND. I agree that we should try to identify funds to keep the management conference in operation.

SARASOTA BAY NATIONAL ESTUARY PROGRAM

Mr. MACK. Mr. President, I want to express my appreciation for the chairman's support of my efforts in coordination with Senators GRAHAM, LIEBERMAN, and DODD to clarify the EPA's authority to obligate funds to assist State and local governments in implementing comprehensive conservation and management plans prepared through the National Estuary Program. It is important that we do this so that the knowledge we have gained since the program's inception is not lost for lack of the Federal Government being able to contribute its fair share for implementation activities. On that point, Mr. Chairman, I would like to call to your attention the committee report which expresses its support for the administration's request for, among other EPA programs, the National Estuary Program, and of particular interest to me, ''full funding of the Sarasota Bay project.'' As the Chairman knows, the administration's request for the NEP is not adequate to support a full implementation effort and I would ask for your confirmation of the subcommittee's intent that EPA make every effort to make funds available from other programs to supplement its budget request for the NEP to support CCMP implementation efforts such as the Sarasota Bay project.

Mr. BOND. I thank the Senator from Florida for bringing this important issue to the subcommittee's attention and appreciate his kind words. We are glad to be able to help with this in cooperation with Senator CHAFEE and the Committee on Environment and Public Works. I concur that EPA should provide adequate support to the NEP, and request a reprogramming if necessary.

Mr. CRAIG. If I might ask the distinguished chairman of the Subcommittee on VA, HUD, and Independent Agencies Appropriations about the EPA review of the national ambient air quality standard for particulate matter. I understand that there are recent epidemiological studies that indicate a correlation between exposure to air polluted with particulates and adverse human health effects, and that EPA is studying this matter as a high priority.

Mr. BOND. I thank the Senator from Idaho for raising this important point. The EPA has indicated to our committee that it is highly concerned about the health effects of particulates. We have met the EPA's request for funding for this program, and included $18.8 million. These funds are for health effects research, exposure research, improving monitoring technologies, modeling studies, and other key requirements.

Mr. CRAIG. I am pleased to learn that the committee has directed this level of funding to EPA for this important research. This comprehensive research program is very much needed. At present, there appears to be insufficient data available for the agency to decide what changes, if any, should be made to the current standard. There is no scientific consensus on whether it is necessary to change the current ambient air quality standards for particulate matter to protect human and environmental health. It has come to my attention that in a letter to EPA on June 13, 1996, EPA's own Clean Air Scientific Advisory Committee concluded that ''our understanding of the health effects of [particulates] is far from complete,'' and these scientific uncertainties prevented the committee from agreeing on the agency's suggested new particulate standards. In addition, the former chairman of this advisory committee who is now a consultant to the advisory committee, Roger McClellan, wrote the current chairman in May to advise him that ''the current staff document does not provide a scientifically adequate basis for making regulatory decisions for setting of National Ambient Air Quality Standards and related control of particulate matter as specified in the Clean Air Act.'' Finally, in a peer-reviewed article just published in the Journal of the National Institute of Environmental Health Sciences, scientists John Gamble and Jeffery Lewis conclude that the recent epidemiology studies that show statistically significant acute health effects of particulate air pollution do not meet the criteria for causality. They suggest that the weak statistical correlations of increased mortality are as likely due to confounding by weather, copollutants, or exposure misclassification as they are by ambient particulate matter.

As the chairman is aware, EPA is under a Federal court order to make a final decision on whether to revise the current clean air rule regarding particulate matter. Under the court order, EPA must make a proposed decision on or before November 29, 1996, and a final decision on or before June 28, 1997. Can the Chairman inform me whether the court order allows the agency to decide not to revise the particulate standard until there is sufficient scientific basis for doing so?

Mr. BOND. It is my understanding that the court order only requires the agency to make a final decision on whether to revise the current ambient air standard for particulates, but the order does not require the agency to promulgate a new standard.

Mr. FAIRCLOTH. If I might interject, the fact that EPA has found several studies that indicate a correlation between loading of particulates in the air and premature mortality is important. This suggested link to human health problems needs to be promptly and thoroughly investigated. My objective is to provide protection of public health and the environment by designing control strategies that reduce harmful particulates and other pollutants form the air people breathe. However, I am concerned that EPA may be rushed to judgment by the Federal courts before real science has been developed to inform the agency about which particulates, in which geographic locations, and in which concentrations are harming people and the environment. There are many questions that need to be answered about particulate matter, as EPA's Clean Air Scientific Advisory Committee, referred to as ''CASC,'' made clear in its June 13, 1996, letter to EPA—to which the Senator from Idaho just referred. For example, we do not know the mechanisms by which particulates might affect public health. Since 1988, particulate matter concentrations have declined by more than 20 percent, with substantial future declines in particulates expected to result from compliance with existing clean air standards. Moving forward with the targeted research program recommended by the

CASAC is essential to understand the health problems associated with particulates. That better understanding of the health effects caused by particulates is needed before we can design an effective control strategy. I would note for my colleagues that this EPA advisory committee is meeting again in early September to design this particulate research program.

* * * * *

Mr. FAIRCLOTH. If the chairman would yield, I would ask whether any of the money in the fiscal year 1997 funding for particulate research will go to implementing an ambient air quality and emissions monitoring program, and will EPA be placing the monitors, or simply telling the States to do it? We want to know not just whether this expense will bring any health benefits, but also whether it will create serious unfunded mandates problems. I would ask the chairman if he would join me in requesting that the EPA send the appropriate committees of Congress, within 90 days, a description of the monitoring program they will be implementing and to what extent EPA will fund the cost of that program, and whether they intend to ask for additional funding in fiscal year 1998.

Mr. BOND. Yes; the agency has informed me that it will be using the 1997 appropriation for both increased health effects research and, in addition, more than $2 million will be for initiating an emissions monitoring program. In addition, it is my understanding EPA will be requesting additional funds for monitoring in its fiscal year 1998 budget submission. It is my expectation that the agency will request the funds necessary to establish a thorough and scientifically defensible monitoring program. I concur that EPA should send us a description of their proposed comprehensive monitoring program and a budget proposal.

I thank my colleagues, and I agree with my colleagues that EPA should seriously consider a no change option as part of its proposed decision due by November 29. However, I would add that in view of the potential for harm to the public from particulates, a prudent option for the November deadline would be to reaffirm the current ambient air standard—and thus not disrupt ongoing programs—while moving expeditiously to implement a sound research agenda upon which to base future decisions.

Mr. President, I am also concerned that EPA must pay closer attention to the potential adverse impacts of changes to the particulates standard on small businesses. I am aware that EPA is taking the position that changes to the particulates standard do not impact small business in terms of implicating the Regulatory Flexibility Act, because the EPA's standards do not create burdens on small business, it is the State implementation plan. As a primary author of the 1996 amendments to the Regulatory Flexibility Act, I strongly disagree with the agency's interpretation, and believe that EPA agency should fully comply with the requirements imposed on Federal agencies by that act.

NASA WORK FORCE RESTRUCTURING REPORT

Mr. GLENN. I would like to discuss an important issue with the distinguished Chairman and ranking member of the subcommittee regarding NASA's civil servant work force and their collective future. Last month the General Accounting Office [GAO] provided me with an assessment of NASA's efforts and plans to decrease its staffing levels. As ranking member of the Governmental Affairs Committee with jurisdiction over the Federal civil service laws, I was keenly interested in learning how NASA was meeting its aggressive work force restructuring goals.

As my friends know, in the early 1990's, NASA was projecting its civil service work force to be about 25,500; however, budget levels have drastically changed that projection. Currently NASA's work force stands at about 21,500, and plans to reduce it to 17,500 by fiscal year 2000. The GAO report, entitled ''NASA Personnel: Challenges to Achieving Workforce Reductions,'' discusses various steps NASA has taken to reduce its work force to current levels. The GAO report suggests that NASA should provide to Congress a work force restructuring plan which lays out in detail how NASA intends to meet its work force goals. I would note that I have heard from employees at NASA's Lewis Research Center outside the Cleveland who are very concerned about their future, and the future of NASA-Lewis. I will continue to do everything I can to make sure that Lewis remains a top flight research facility.

Ms. MIKULSKI. The subcommittee is deeply concerned about the timetable and process which NASA intends to follow to achieve its stated goal of reducing the NASA work force from the current level to 17,500 by the year 2000. Notwithstanding its civil service goals, the subcommittee believes that NASA should maintain the institutional capability to accomplish our national aerospace objectives.

In part due to the severe budget constraints the agency faces, various NASA initiatives have called for the following: One, shifting program management from headquarters to field centers; two, transitioning to a single prime contractor for space flight operations; and three, privatization initiatives such as the science institute concept. It is unclear how each of these proposals will contribute to the future FTE goals.

Many employees at Goddard Space Flight Center, NASA's Wallops island facility and headquarters are my constituents, and have expressed concerns similar to those my friend from Ohio has heard from NASA Lewis. I will stand sentry to ensure that as many jobs as possible are protected. I have asked NASA headquarters to explain why their current approach is necessary.

Mr. BOND. I would add my recommendation that NASA develop a work force restructuring plan to be submitted with the agency's fiscal year 1998 budget. This document should provide NASA's current plan for reaching the fiscal year 2000 FTE figure. In developing this plan, the Administrator shall consult with the Secretary of Labor, appropriate representatives of local and national collective bargaining units of individuals employed at NASA, appropriate representatives of agencies of State and local government, appropriate representatives of State and local institutions of higher education, and appropriate representatives of community groups affected by the restructuring plan.

Mr. GLENN. I strongly support that such a plan be submitted to the Congress. Further, I believe that for NASA headquarters and each field center, the plan should clearly establish the annual FTE targets by job description. The plan should also discuss what process and any assistance that will be provided to those employees whose jobs will be eliminated or transferred. To the extent possible the plan should be developed so as to minimize social and economic impact.

I would note that the Department of Energy has a legislative mandate to prepare a work force restructuring plan prior to any significant change in the work force at any of DOE's facilities. I was a primary author of this legislative provision—Public Law 102–484, section 3161. I believe that NASA should take a careful look at how DOE has developed their work force restructuring plans as it prepares the plan which we are requesting.

Ms. MIKULSKI. I agree with the Senator from Ohio. In addition, the President has indicated the need for a national space summit to elucidate our national space goals. I have been calling for such a summit for several months, and am pleased to see the President take this necessary step. Clearly the results of the space summit should also be incorporated into this work force restructuring plan.

Mr. GLENN. I thank my friend from Missouri and my friend from Maryland for their courtesy, and I would strongly encourage them to adopt language in the statement of the conference managers which would implement the work force restructuring plan we have discussed today.

Mr. BOND. The subcommittee will seriously consider the Senator's suggestion, and will work to implement it during the conference on our bill.

IMPROVEMENT AND REFORM OF THE FEDERAL ABOVEGROUND STORAGE TANK PROGRAM

Mr. ROBB. Mr. President, as the Senate considers fiscal year 1997 appropriations for the Environmental Protection Agency, it is only fitting that we highlight the need for reform in the manner in which EPA, in conjunction with the Department of Transportation and the Occupational Safety and Health Administration, regulates aboveground

petroleum storage tanks [AST's]. Under current Federal law, no less than five Federal offices are tasked with jurisdiction over these tanks. The myriad of Federal and State statutes coupled with the number of Federal offices administering the various regulations results in a situation which is at best confusing for aboveground storage tank owners, costly to taxpayers, and harmful to the environment.

Twice, once in 1989 and again in 1995, GAO has issued reports which detail how EPA should strengthen its program to improve the safety of aboveground oil storage tanks. While it is true that EPA has taken steps to implement some of the recommendations, EPA has yet to take substantive action on many others.

Ms. MIKULSKI. We are certainly committed to protecting and improving our environment. I would like to thank the distinguished Senator for highlighting this issue. I know that his State experienced a serious leak at an aboveground storage tank farm in Fairfax County, VA. I am interested in knowing how serious is the problem nationwide?

Mr. ROBB. In addition to the confusion created by the patchwork of laws regulating these aboveground petroleum tanks, a far graver problem exists with respect to the frequency with which these tanks and their pipes are currently leaking, releasing petroleum into the environment. Two GAO studies, one in 1989 and the other in 1995, found a significant number of tanks were leaking between 43 and 54 million gallons of oil per year.

More recently, there have been countless news reports on tank releases, leaks, failures and fires. Unfortunately, current Federal law only requires tank owners to report releases that contaminate surface water. There is no similar reporting requirement for underground leaks, and EPA does not have the authority to respond to leaks that contaminate ground water. Just last month, lightening struck an AST at a Shell gasoline facility in Woodbridge, NJ, igniting a fire that seriously injured 2 people and forced the evacuation of 200 nearby residents.

Although this fire was started by an act of nature, it's instructive because it highlights the serious dangers associated with AST fires, which pose complex challenges to firefighters, jeopardize nearby communities, and threaten ground water contamination. From Anchorage, AK, to the Everglades in Florida, damage from leaking tanks has been incurred, and some areas permanently spoiled from millions of gallons of leaked oil. This problem poses a critical threat to our country's ground, surface, and drinking water. With approximately half a million aboveground storage tanks located throughout this Nation, this is simply a matter we cannot continue to ignore. The tank fire in New Jersey serves to further demonstrate the need for improvement of AST safety and operation. The future safety of our families and homes depends upon meaningful reform in this area.

I think my colleague from South Dakota can also shed some light on this problem. Mr. President, would the Democratic leader please share his State's experience with an AST release that occurred 6 years ago in Sioux Falls.

Mr. DASCHLE. Certainly, but first I want to take a moment to thank the Senator from Virginia for his longstanding dedication and leadership on this issue. We have worked together on AST legislation since the 102d Congress, and again I appreciate this opportunity to work with him.

Senator MIKULSKI may remember that 6 years ago Sioux Falls suffered an AST leak of great magnitude. I can tell my colleague from personal observation that the environmental and public health effects of the spill were devastating, not to mention the costly cleanup expenses incurred. We now have the means to prevent similar incidents in my State and throughout the Nation.

My colleague from Virginia indicated the two GAO reports confirm that AST leakage is a prevalent problem across the country.

Mr. ROBB. I want to add that the underground storage tank program at EPA has enjoyed a wide measure of success. It is both comprehensive and understandable. Certainly, the regulation of above-ground petroleum tanks warrants similar consideration. Also, EPA has established an effective response program to surface water oilspills. EPA should now place a focus on improving the safety of AST operations and on leaks to ground water. This could only bolster EPA's spill prevention and response program.

Ms. MIKULSKI. In the opinion of the Senator, what would be the most effective means of addressing the issue?

Mr. ROBB. First, a commonsense approach is necessary. We can improve the Federal program so that it complements industry's efforts to improve voluntary AST standards. Some say that industry and environmental groups cannot work together to improve the environment. I simply do not believe this has to be the case.

In January, Senator DASCHLE, Senator SIMPSON, and I introduced a bill on AST's that is the product of a coalition of several industry and environmental groups. Our bill seeks not only to improve the environment with respect to above-ground tanks, but also seeks to reduce the regulatory requirements on industry.

We need Federal legislation to improve and reform the Federal program regulating AST's. This will provide more clear, concise guidelines to tank owners and operators, and enable EPA to deal swiftly and effectively with threats to human health and the environment.

Specifically, the bill would require EPA to consolidate its aboveground storage tank offices into one office on storage tanks. In conjunction with this restructuring, the bill requires EPA to work with the Department of Transportation and the Occupational Safety and Health Administration to streamline and simplify the current regulatory structure affecting aboveground petroleum storage tanks and their owners.

To improve the safety of large AST's that store oil, the bill also requires EPA to review current regulations to determine if gaps may exist, specifically with reference to secondary containment, overfill prevention, testing, inspection, compatibility, installation, corrosion protection, and structural integrity of these large petroleum tanks. Where current industry standards do not address those deficiencies identified, the EPA would be responsible for promulgating rules in the most cost-effective manner to alleviate those gaps.

Lastly, the bill would impose new reporting requirements for petroleum leaks so that EPA will know when they occur underground. EPA should not have to wait until leaks are too large to ignore or until they have contaminated an important ground water source.

I believe EPA has worked hard to implement a strong AST program. But I also know that more could be done. It is my hope that our bill will not only compliment EPA's efforts, but also allow EPA to place a higher priority on this issue.

Mr. DASCHLE. I would also like to emphasize one final point about our AST bill. We are more than aware of the frustration felt by many over the development and enforcement of Federal regulations and the lack of sensitivity exhibited by Federal agencies, particularly in regard to environmental statutes.

The bill does not exacerbate this problem. Rather, Senator ROBB, Senator SIMPSON, and I have worked together to ensure that our bill creates workable and streamlined regulations to ensure proper precautions are taken to prevent AST leakage and spills. This bill's simplicity is its elegance. I thank the Senator for her attention to this matter.

Ms. MIKULSKI. I thank my colleagues for bringing this important issue to the Senate's attention. I look forward to working with them to help reach some meaningful resolution to the problem at hand.

Mr. ROBB. I want to thank our distinguished ranking member for the opportunity to highlight the need for this type of reform and also look forward to working with her in the future.

NCAR

Mrs. BOXER. As the distinguished ranking member of the subcommittee is aware, the National Center for Atmospheric Research, or NCAR, is in the process of procuring a supercomputer to conduct complex weather simulation analyses. NCAR is a major grantee of the National Science Foundation, NSF.

NCAR published a request for proposals to provide the most capable supercomputer for a fixed price of $35 million. Three companies made proposals—Fujitsu, NEC, and Cray Research.

Ms. MIKULSKI. I am aware of the proposed procurement. NCAR initially selected NEC, but NSF announced last week that it is halting action on the proposed procurement until the completion of an investigation into illegal dumping.

Mrs. BOXER. I am very concerned by the possibility of dumping in this case. An internal analysis conducted by Cray Research estimated that NEC's costs exceed its sales price to NCAR by over 400 percent. According to Cray's analysis, NEC proposed selling a supercomputer fairly valued at almost $100 million for only $35 million.

The day after the selection of NEC was announced, Paul Joffe, Acting Assistant Secretary of the Department of Commerce for Import Administration, advised Dr. Neal Lane, Director of the National Science Foundation, of the strong possibility of dumping in this case. In the letter, Secretary Joffe states:

> Using standard methodology prescribed by the antidumping law, we estimate that the cost of production of one of the foreign bidders is substantially greater than the funding levels projected by NCAR's request for proposals. In antidumping law terms, this means that the ''dumping margin,'' that is, the amount by which the fair value of the merchandise to be supplied exceeds the export price, is likely to be very high.

Mr. KOHL. On July 29, Cray Research filed a formal petition for investigation with the Department of Commerce and the International Trade Commission. Under the antidumping law, the Department of Commerce was required to decide whether or not to initiate a formal investigation within 20 days. The ITC has 45 days to reach a preliminary determination.

Mr. FEINGOLD. On August 19, the Department of Commerce announced that it would initiate a formal antidumping investigation. The following day, Dr. Neal Lane, Director of the National Science Foundation announced that the NSF was halting action on the supercomputer procurement. Dr. Lane said in a written statement, ''It would be inappropriate for NSF to approve this procurement until the dumping issue has been resolved.'' I would ask the distinguished ranking member of the subcommittee if she agrees with Dr. Lane's view.

Ms. MIKULSKI. I do agree. I especially agree with Dr. Lane's statement that ''Acting now on this procurement would be inconsistent with the responsible stewardship of taxpayer money.'' It is critical, both from an economic and national security perspective, that the United States maintain its leading role in supercomputing technology. Because the supercomputer industry survives on relatively few sales, each procurement project plays an important role in maintaining the supercomputer industrial and technology base. I therefore strongly concur with the NSF's recent action.

Mr. KOHL. The committee report, which was filed on July 17, notes that no official determination of dumping, preliminary or otherwise, has been made in this case. Would the Senator agree that this statement is no longer accurate?

Ms. MIKULSKI. The decision by the Department of Commerce to initiate a formal investigation is an official determination that illegal dumping may have occurred. Furthermore, the letter written earlier by Secretary Joffe strongly suggests the possibility of dumping.

Mrs. BOXER. I thank the distinguished ranking member for sharing her views on this important subject. I know that she shares my view that the NSF is a very important agency and that this procurement is very important both for NCAR and the U.S. supercomputer industry.

Ms. MIKULSKI. I will continue to monitor this situation and will do all I can to ensure taxpayer dollars are spent responsibly by the NSF and its grantees.

Mrs. BOXER. I thank the Senator. I ask unanimous consent that the statement by NSF Director Neal Lane and the letter to Dr. Lane from Secretary Paul Joffe be printed in the RECORD.

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

STATEMENT BY DR. NEAL LANE, DIRECTOR, NATIONAL SCIENCE FOUNDATION, ON SUPERCOMPUTER ACQUISITION

The U.S. Department of Commerce has announced that it is initiating an investigation to determine whether Japanese vector supercomputers were being dumped in the United States and whether these imports were injuring the U.S. industry. The investigation includes a bid submitted in a supercomputer procurement being conducted by the University Corporation for Atmospheric Research (UCAR)—an awardee of the National Science Foundation. In my view, it would be inappropriate for NSF to approve this procurement until the dumping issue has been resolved.

In light of the numerous questions raised about and interest expressed in this procurement, I am pleased that the issue of dumping is being properly addressed by the appropriate federal agencies. The Department of Commerce and the International Trade Commission have the statutory authority, the expertise, and the established procedures to determine whether this offer is being made at less than fair value, and whether it would be injurious to America industry.

I am acutely aware that the National Center for Atmospheric Research (NCAR), which is operated by UCAR, needs state-of-the-art computational equipment to maintain U.S. world leadership in climate modeling research. I feel, however, that acting now on this procurement would be inconsistent with the responsible stewardship of taxpayer monies.

I hope the investigations will proceed expeditiously and bring a prompt resolution to this matter.

U.S. DEPARTMENT OF COMMERCE,
INTERNATIONAL TRADE ADMINISTRATION,
Washington, DC, May 20, 1996.

Dr. NEAL LANE,
Director, National Science Foundation,
Arlington, VA.

DEAR DR. LANE: The Department of Commerce is responsible for administering the U.S. antidumping law, which guards against unfair international pricing practices that harm U.S. industries. Injurious dumping, which is condemned by the General Agreement on Tariffs and Trade, can have serious adverse consequences for domestic producers and future consumers.

As you requested, we have examined the proposed procurement of a supercomputer system by the National Center for Atmospheric Research (NCAR), which is funded in part by the National Science Foundation and other federal agencies through the University Corporation for Atmospheric Research, to determine if it involves dumping. We have evaluated the NCAR procurement, and have information that we believe is relevant.

Using standard methodology prescribed by the antidumping law, we estimate that the cost of production of one of the foreign bidders is substantially greater than the funding levels projected by NCAR's request for proposals. In antidumping law terms, this means that the ''dumping margin,'' that is, the amount by which the fair value of the merchandise to be supplied exceeds the export price, is likely to be very high.

We have significant concerns that importation of the NCAR supercomputer system would threaten the U.S. supercomputer industry with material injury within the meaning of the antidumping law, because the imports are likely to have a significant suppressing or depressing effect on domestic prices and because these imports could have a serious adverse impact on the domestic industry's efforts to develop a more advanced version of the supercomputer system to be supplied.

Antidumping investigations can be initiated either at the request of the domestic industry or on the initiative of the Department of Commerce. If the Department finds dumping margins and the U.S. International Trade Commission finds injury, the Department will issue an antidumping order and will instruct the U.S. Customs Service to collect from the importer of the dumped merchandise an antidumping duty in the amount of the dumping margin.

Please let us know if we may answer any questions you may have. I may be reached at (202) 482–1780.

Sincerely,

PAUL L. JOFFE,
Acting Assistant Secretary
for Import Administration.

LIHPRHA FUNDING

Mr. CRAIG. Mr. President, the Senate adopted an amendment to H.R. 3666, which was included in a package of managers' amendments, and which originally was offered by the Senator from Massachusetts [Mr. KERRY], myself, and others. This amendment will restore some certainty to the Senate's appropriation for assistance under the Low Income Housing Preservation and Resident Homeownership Act, or LIHPRHA. I appreciate the managers accepting this amendment.

Senators MOSELEY-BRAUN, KEMPTHORNE, KERRY, and I had written Chairman BOND earlier to express our support for appropriating at least $500 million for LIHPRHA this year, and to note that, within a tight and fiscally

responsible budget, this program remains a reasonable priority.

Mr. President, as always, I want to reiterate my commitment to balancing the Federal budget and keeping it balanced. Balancing the budget is all about setting priorities. This Congress, the bravest in 40 years, has passed balanced budgets and I have supported them. I have no trouble finding room within those budgets for reasonable appropriations for LIHPRHA.

I have spoken with Idahoans—tenants and owners alike—who have turned to LIHPRHA as a cost-effective way to maintain private ownership of low-income housing, to preserve that housing stock, and to keep it in good repair. Just last month, such a transfer was concluded in Moscow, ID, involving a seller and buyer who care about tenants of modest means and wanted to see their affordable housing maintained.

The VA–HUD appropriations bill, as reported, had stated its hope and intent that $500 million is available for LIHPRHA in fiscal year 1997.

But, because $150 million of that appropriation would have been conditioned on recapturing interest savings when some owners sell what we call section 236 projects and pre-pay their mortgages, the timing of that funding stream would have been highly uncertain.

Such uncertainty would hamper effective decisionmaking in HUD's regional offices and would discourage the very buyers and sellers who want to keep low-income housing available to those who need it. This preservation has noble, beneficial goals. But the current process already takes too long and involves too much redtape. We don't need to make things worse by making the timing its funding still more unpredictable.

Also, it would have mixed apples and oranges to rely on money generated when housing loses its status as low-income housing to pay for a program intended to preserve low-income housing.

Our amendment offers the best of both worlds. The funding stream for LIHPRHA would be more certain. Any unexpected surplus section 236 savings would go to deficit reduction. This creates a win-win situation.

Our amendment is budget-neutral because LIHPRHA simply would be decoupled from the section 236 recaptured interest savings. These savings would continue, as they do under current law, to go into the Treasury, instead of being made directly available to LIHPRHA. This makes more sense.

Chairman BOND and I have visited about this program last year and I appreciate his continued willingness to support this program. I know the committee has been looking for the best means of continuing the program. I hope and believe that our amendment has been helpful to the chairman and the committee in this regard.

Once this bill goes to conference, I urge the committee to do everything possible to safeguard LIHPRHA funding. It is my hope that, if possible, the conference committee on this bill could provide more for this program.

The $500 million in this bill represents a 20 percent cut from fiscal year 1996 dollars. Even at this level, there is much more low-income housing ready for sale that can be accommodated by fiscal year 1997 appropriations for preservation. These are projects for which most of the work on the part of the sellers and buyers has been completed, and for which HUD has approved plans of action. Obviously, some sellers will not be able to postpone selling until fiscal year 1998—if there are appropriations then—and will have to sell sooner, without the guarantee of preserving the low-income status of the housing.

I understand there are concerns that the results of this program may not be as favorable and economical in every case as has been our experience in Idaho. Some reforms can and should be made that would make the program more cost-effective. Chairman BOND and Senator KERRY are both members of the Banking, Housing, and Urban Affairs Committee, and I look forward to their leadership in this area.

I thank Senator KERRY for his leadership on this amendment, I commend Chairman BOND for his helpfulness in this process, and I thank the managers and the Senate for accepting our amendment.

THE PRESIDENT'S EXECUTIVE ORDER TO BRING FEDERAL SURPLUS COMPUTER EQUIPMENT TO PUBLIC SCHOOLS

Mr. LEAHY. Earlier this year President Clinton signed Executive Order 1299 to aid in the process of transferring Federal surplus computer equipment to our public schools. This is equipment that in the past has sat on palettes in Federal warehouses gathering dust and becoming obsolete while schools all around the country try to scrape together the funds to buy computer technology equipment for their students.

I applaud the administration's effort to put this unused equipment to work in our classrooms. To help support that initiative I offered an amendment to the Treasury, Postal Service, and general Government appropriations bill with Senator MURRAY which reiterates the importance of this initiative and urges Federal Agencies to work with the Federal Executive Boards to implement it. I also strongly supported Senator MURRAY's language in the legislative branch appropriations bill bringing the Senate into compliance with the Executive order. We in Congress should be leading the effort to bring computer technology to our public schools.

Making unused computer equipment available to schools is too important to let fall between the cracks of the many bureaucracies involved in this initiative. A report to Congress at the end of the year is needed to ensure that the Executive order is carried out and to monitor its progress in bringing Federal surplus computers to our educators. The Office of Science and Technology Policy has been deeply involved in coordinating the implementation of the Executive order. I believe that the office is the appropriate one to carry out such a report.

I have written to John Gibbons, Director of OSTP requesting that his office provide such a report to Congress by January 30, 1997. He responded by concurring that such a report is needed and offering the services of his office to carry it out within available resources. I ask unanimous consent that those letters be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, July 31, 1996.

Mr. JOHN H. GIBBONS,
Director, Office of Science and Technology Policy, Old Executive Office Building, Washington, DC.

DEAR MR. GIBBONS: I would like to congratulate you on the work your office has done to implement the President's Executive order to bring Federal surplus computer equipment to schools. This initiative is sorely needed to transfer serviceable computer equipment no longer needed by Federal Agencies to our public schools where the need for this technology is great.

Senator Murray and I offered an amendment to the Fiscal Year 1997 Appropriations report for Treasury, Postal Service, and General Government which reinforces the importance of the Executive Order and urges governmentwide cooperation in speeding its implementation. I also strongly supported Senator Murray's language in the Legislative Appropriations bill bringing the United States Senate into compliance with the Executive Order. Congress should be leading the charge to bring surplus and excess computer equipment to our schools—Senator Murray's language will put the Senate in the race. For your information, I have included a copy of the report language in the Treasury and Legislative Appropriation bills.

I believe that the steps Federal Agencies are taking to conform with the Executive Order will be effective in bringing more surplus equipment to schools at less cost to the government and the schools themselves. A timely analysis of the progress that has been made and the problems Departments and the Federal Executive Boards may have run into would be very helpful in evaluating the success of the initiative. Because of the central role your office has played in this important effort to bring computers to schools, I think the Office of Science and Technology Policy (OSTP) is the most appropriate body to carry out such an evaluation.

Specifically, I request that OSTP report to Congress by January 30, 1997 on the implementation of the Federal Executive Order. This report should include information on the progress of Federal Agencies and Congress in making surplus computer equipment available to schools, and on the effectiveness of the Federal Executive Boards in channeling this equipment through the regions.

I look forward to working with your office to make sure that unused Federal computer equipment is made available to schools around the country. If you have any questions about the requested report please contact Amy Rainone in my office at 224–4242.

Sincerely,

PATRICK LEAHY,
U.S. Senator.

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF SCIENCE AND TECHNOLOGY POLICY,
Washington, DC, August 1, 1996.

Hon. PATRICK LEAHY,
U.S. Senate,
Washington, DC.

DEAR SENATOR LEAHY: As you know the President has worked hard to ensure that education technology is used effectively to prepare our children for the 21st century. I want to thank you for the leadership you have provided in helping America's schools make effective use of new technology. Your leadership in the Senate Education Technology Working group is very much appreciated.

I strongly concur with your recommendation that a study be conducted to determine how effectively the executive order to improve the transfer of excess federal computer equipment to schools and nonprofit organizations is being implemented. Within the limits of OSTP's resources, we will survey the way federal agencies are responding to the order and provide an estimate of the kinds of equipment that is being made available to schools. The study will be provided to the Congress by January 30, 1997 together with recommendations about any administrative or legislative actions that may be needed to improve the operation of the federal program and advice about the need for further reviews and oversight.

Sincerely,

JOHN H. GIBBONS,
Director.

Mr. LEAHY. Mr. President, does the Senator from Maryland support the use of OSTP funds to cover the expenses of preparing this important report for Congress?

Ms. MIKULSKI. I agree that this is an important initiative and one which Congress should support. Maryland schools are also trying very hard to ramp up to the information highway by providing Internet links and computer technology for students. I do think that producing such a report is an appropriate use of the funds provided in this bill and I join the Senator in urging OSTP to carry out the report by January 30, 1997.

CORPORATION FOR NATIONAL SERVICE, AMERICORPS USA

Mr. GRASSLEY. Mr. President, I want to talk about the Senate's appropriation for the Corporation for National Service. In particular, I want to talk about the appropriation for AmeriCorps. The program is not yet out of the woods. Though the program may be funded, the Senate should do so only with continued and close scrutiny.

I have been one of the most outspoken critics of the President's AmeriCorps Program. It has begun reform, but still needs more time to succeed. AmeriCorps has former Senator Harris Wofford as its new chief executive officer. He has approached me for assistance in helping the program to succeed.

Senator Wofford has assured me that he is attempting to reform the program. I think that the program deserves that chance. It is a high priority for the President, and I believe that a President should have the benefit of the doubt on his highest priorities. However, this program still needs to meet the tough standards that the President set. Frankly, AmeriCorps has not yet met those standards.

I want to praise the appropriators. In their subcommittee, Senators BOND and MIKULSKI have funded the National Service Corporation for fiscal 1997 at last year's levels. Because of my involvement, I am particularly proud of one new initiative to be funded in the AmeriCorps Program.

AWARDS FOR EDUCATION ONLY

I want to draw attention to this new cost saving initiative that I helped to develop. Of the entire appropriation for the National Service Trust, $9.5 million will be set aside to award true education scholarships for service. AmeriCorps has announced that it is awarding the first of 2,000 separate volunteers with scholarships, and only scholarships.

In other words, for volunteerism there shall be a reward of education. Gone will be the living allowances, recruitment costs, and much of the administrative overhead. These education-only awards will help true students go to college. The taxpayers will be rewarded with a greater value for their dollar. I believe that this pilot project may become so successful that it could become the future of AmeriCorps.

MATCHING REQUIREMENTS

Senator Wofford has told me he has increased the program matching requirement for all grantees. This requirement was 25 percent and has become 33 percent. This means that 67 percent of the program subsidy for AmeriCorps volunteers should come directly from the Federal taxpayer. This might seem attractive to some, but I have reservations.

I am reserved because, if there is an immediate problem with this target, then the problem could be in the sources of the 33 percent matching funds. It seems that a sizable portion of these matching funds will come from coffers of State governments. Because State taxpayers are also Federal taxpayers, I think that the State taxpayers reasonably expect that we in the Federal Government will do careful oversight of their tax dollars. That is why I hope that AmeriCorps will quantify and reach an acceptable goal for true private sector contributions. I emphasize the words private sector, and I hope that AmeriCorps will adopt a similar emphasis.

A NEW GAO STUDY

In its brief history, AmeriCorps has developed an infamous past. The inspector general of the Corporation for National Service attempted to audit the AmeriCorps' books and determined that the books were unauditable. There has been a lack of financial controls. It seems that some people who were in charge of writing checks were also in charge of accounting for receipts.

Last year, the General Accounting Office found that the AmeriCorps cost per participant was $27,000 instead of the $18,000 promised by the President.

This year, Senator BOND and I have asked the General Accounting Office to conduct another study. The GAO will go out to study the AmeriCorps programs at the State level.

The GAO will audit matching funds gathered by the State programs. The GAO will also look into the feasibility of giving more responsibility to the State commissions under the AmeriCorps Program. Greater autonomy for the State programs is a criterion that was reached in my agreement with Senator Wofford.

THE PRESIDENT'S NEW AMERICORPS INITIATIVE, READ AMERICA

Mr. President, before I conclude, I want to briefly discuss something regarding AmeriCorps that the President mentioned at his political convention. He mentioned that he would like to employ AmeriCorps subsidized workers to help teach some children to read. Although teaching children to read is a worthy cause, I will say two things about using AmeriCorps to do it.

First, as far as I am concerned, AmeriCorps is still on probation until it solves all of its current and continuing troubles. I question the wisdom of sending more money and increased responsibility to AmeriCorps until it has proven to the taxpayers that it is out of the woods.

The President has called for a massive increase in a program that has only had trouble. That plays into the claims of many that the President has no real interest in seeing AmeriCorps succeed. To them it shows that the President is only interested in seeing it used for campaign promises and political commercials.

Second, I think that if the President wants to help kids to learn to read, then he should allow parents to help their own kids to learn to read. He could do this by delivering on the middle class-tax cut that he promised. With fewer taxes, maybe both parents in a family will not have to work full time as they currently do. I think that many parents would enjoy teaching their own children to read if they only had the time. In short, families do not need more government spending, they need less government spending and fewer taxes.

Mr. President, AmeriCorps has reported that it is attempting to mend its programs. I think that the program deserves that chance. I conservatively support this appropriation with the reservations that I have spoken of.

SAFE DRINKING WATER REVOLVING LOAN FUND

Mr. BAUCUS. Mr. President, I would like to thank the managers of this bill, Senators BOND and MIKULSKI, for providing the first-time capitalization grant for the long awaited safe drinking water revolving loan fund. The much needed $725 million for the recently established drinking water loan fund will provide assistance to those drinking water suppliers who are trying to comply with the Federal law.

There are so many communities, especially small communities, that need

the funding and have been counting on Congress to act. Small communities lack the economies of scale to spread the cost of compliance among their customers, even though they have to comply with the same regulations as large systems. The bill signed into law last month recognizes these differences by, among other things, providing a funding source.

I appreciate the manager's recognition of this need and look forward to working with them in the future to ensure that this new loan fund meets the needs of the Nation's drinking water suppliers.

YOUTHBUILD BUILDS FOUNDATIONS FOR SUCCESS

Mr. KERRY. Mr. President, I would like to thank and congratulate my colleagues on the VA, HUD, Independent Agencies Appropriations Subcommittee, Senator BOND and Senator MIKULSKI, for their wisdom in providing $40 million for the Youthbuild program for fiscal year 1997. This amount is the same approved by the Senate last year for the current fiscal year, which was cut in half in negotiations with the House.

The Youthbuild Program gives young adults in our inner cities a chance. This program offers young adults ages 16 to 24 the opportunity to rehabilitate housing for the homeless or low-income people while attending academic and vocational training classes half time. Participants typically alternate a week on a construction site with a week in the Youthbuild classroom, where they work toward their GED's or high school diplomas. Youthbuild programs usually run for 12 months, after which graduates are placed in jobs or college. The programs are able to provide another 12 months of followup to assist these graduates to successfully complete their transitions from school to work.

The design of Youthbuild makes it unique among job training and community development programs. Youthbuild places a major emphasis on leadership development, with leadership defined as taking responsibility to make things go right for yourself, your family, and your community. Intensive counseling and a positive peer group provide personal support and an affirmative set of values to assist young people to make a dramatic change in their relationship to their communities and their own families. Thus, through Youthbuild's learning, construction, and personal components, students simultaneously gain the educational skills, work training, and sense of self they need to go on to productive, responsible futures.

In 1995 alone, Youthbuild programs helped more than 3,000 young people to become positive leaders and peer models in their communities. There are now 90 HUD-funded Youthbuild programs in operation in 38 States, and 56 organizations are planning to establish Youthbuild programs in their own cities and rural communities. Over 540 community organizations in 49 States and the District of Columbia applied to HUD last year for Youthbuild funding.

Despite the program's success, fiscal 1996 funding for this program was cut from $40 to $20 million at the behest of the House of Representatives. The Senate bill had contained a $40 million earmark. A return to the 1995 funding level is necessary if we are to maintain the achievements and realize the promise of this valuable movement. This program and the young people it serves—who also are the young people who do much of its work—need our help. They are some of the best that we have in this country and I am proud of their achievements and their drive to help themselves and to help others around them. They are a class act and the work they do is truly inspiring.

The $40 million for Youthbuild for fiscal year 1997 will allow Youthbuild to enroll 2,000 more young people nationwide, directly helping at-risk youth and furthering the development of affordable housing for the communities in which they live. It will preserve the infrastructure of local programs upon which we can then build and expand while steadily leveraging increased local support. I want to thank the 38 other Senators signing a letter to Senators BOND and MIKULSKI requesting the $40 million figure and I urge my Senate colleagues to insist on this amount in conference.

Mr. President, I would also like to offer my sincere congratulations to Ms. Dorothy Stoneman, the founder and president of Youthbuild USA, for her tireless and selfless contributions to the Youthbuild Program and to youth across the United States. She was recently awarded the prestigious MacArthur Foundation Award in recognition of her long fight to uplift the lives of youths on the margins of poor communities. She is a wonderful example of how individuals can really do good for others in this world and I want to make known my great admiration and praise for her efforts. This award is a testament to her hard work, and to the youth that are making our cities and towns better places to live every day. Her vision is inspiring and her enthusiasm contagious.

When people say that nothing works, when people say that poverty is inevitable, and when people say that there is no way to change injustice, Ms. Dorothy Stoneman is there to demonstrate that futility is not inevitable. She is a real life hero and I would like to thank her for her commitment to excellence. But what Dorothy Stoneman wants more than anyone's words of praise is the ability to offer to more young people Youthbuild's demonstrated ability to help young people take responsibility for themselves and their communities—to rescue down and out youths for lives of fulfillment and contribution. We help our country when we help these young people via Youthbuild.

ROUGE RIVER NATIONAL WETWEATHER DEMONSTRATION PROJECT AND THE CLINTON RIVER WATERSHED

Mr. LEVIN. Mr. President, I am pleased that the managers have made changes to the House-passed bill to allow the expenditure of $725 million in already appropriated funds for the new drinking water State revolving fund in fiscal year 1996. I encourage the conferees to retain this change so that money can flow to the States and local governments as soon as possible.

As my colleagues may know, the Rouge River National Wetweather Demonstration Project serves as a model for watershed-basin management, but on a very large, very urban scale. It combines all the key components affecting water quality in the Rouge watershed, which feeds into the Detroit River and then into Lake Erie. Cleaning up the Rouge River basin will have a beneficial effect on water quality from Detroit to the mouth of the St. Lawrence River and beyond. The House bill provides $20 million in fiscal year 1997 for this important project and I strongly urge the managers and the conferees to maintain that amount, if the final conference report includes project level recommendations.

Also, I would like to urge inclusion of approximately $500,000 for the Clinton River watershed Council in the conference report. The Clinton River Watershed feeds into Lake St. Clair, which experienced severe pollution in the summer of 1994 that closed beaches and threatened the local economy. Nutrient loadings, sewage overflows, and zebra mussel infestation contributed to a very unpleasant, if not public health-threatening situation. Clearly, something needs to be done in this dynamic part of Michigan to ensure that growth is sustainable. I encourage the managers and the conferees to include the above requested funds so that an integrated and comprehensive watershed management plan can be developed and executed. Some of the methods and experiences of the Rouge watershed will be very useful in the Clinton watershed.

I look forward to working with the conferees on these items.

Mr. BOND. Mr. President, I believe that concludes the work on the VA–HUD bill for the evening.

MORNING BUSINESS

Mr. BOND. Mr. President, I ask unanimous consent that there be a period for the transaction of morning business with Senators permitted to speak therein for up to 5 minutes each.

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

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(e) 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 notice 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(e) 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 both the Advance Notice of Proposed Rulemaking published on March 16, 1996 in the Congressional Record and the Notice of Proposed Rulemaking published on May 23, 1996 in the Congressional Record, has adopted, and is submitting for approval by Congress, final regulations implementing section 220(e) of the Congressional Accountability Act of 1995, Pub. L. 104–1, 109 Stat. 3.

For Further Information Contact: Executive Director, Office of Compliance, 110 2nd Street, S.E., Room LA 200, John Adams Building, Washington, DC 20540–1999, (202) 724–9250.

SUPPLEMENTARY INFORMATION

I. Statutory Background

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 address 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 chapter 71 to employing offices, covered employees, and representatives of covered employees.

Section 220(d) of the Act requires 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 regulations, 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 conflict of interest.''

The Board adopted final regulations under section 220(d), and submitted them to Congress for approval on July 9, 1996.

Section 220(e)(1) of the CAA requires that the Board 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 the offices listed in'' section 220(e)(2). The offices listed in section 220(e)(2) are:

(A) the personal office of any member of the House of Representatives or any Senator;

(B) a standing select, special, permanent, temporary, or other committee of the Senate or House of Representatives, or a joint committee of Congress;

(C) the Office of the Vice President (as President of the Senate), the Office of the President pro tempore of the Senate, the Office of the Majority Leader of the Senate, the Office of the Minority Leader of the Senate, the Office of the Majority Whip of the Senate, the Office of the Minority Whip of the Senate, the Conference of the Majority of the Senate, the Conference of the Minority of the Senate, the Office of the Secretary of the Conference of the Majority of the Senate, the Office of the Secretary of the Conference of the Minority of the Senate, the Office of the Secretary for the Majority of the Senate, the Office of the Secretary for the Minority of the Senate, the Majority Policy Committee of the Senate, the Minority Policy Committee of the Senate, and the following offices within the Office of the Secretary of the Senate: Offices of the Parliamentarian, Bill Clerk, Legislative Clerk, Journal Clerk, Executive Clerk, Enrolling Clerk, Official Reporters of Debate, Daily Digest, Printing Services, Captioning Services, and Senate Chief Counsel for Employment;

(D) the Office of the Speaker of the House of Representatives, the Office of the Majority Leader of the House of Representatives, the Office of the Minority Leader of the House of Representatives, the Offices of the Chief Deputy Majority Whips, the Offices of the Chief Deputy Minority Whips, and the following offices within the Office of the Clerk of the House of Representatives: Offices of Legislative Operations, Official Reporters of Debate, Official Reporters to Committees, Printing Services, and Legislative Information;

(E) the Office of the Legislative Counsel of the Senate, the Office of the Senate Legal Counsel, the Office of the Legislative Counsel of the House of Representatives, the Office of the General Counsel of the House of Representatives, the Office of the Parliamentarian of the House of Representatives, and the Office of the Law Revision Counsel;

(F) the offices of any caucus or party organization;

(G) the Congressional Budget Office, the Office of Technology Assessment, and the Office of Compliance; and,

(H) such other offices that perform comparable functions which are identified under regulations of the Board.

These offices shall be collectively referred to as the ''section 220(e)(2) offices.''

Section 220(e)(1) provides that the regulations which the Board issues to apply chapter 71 to covered employees in section 220(e)(2) offices ''shall, to the greatest extent practicable, be consistent with the provisions and purposes of chapter 71 and of [the CAA] . . '' To this end, section 220(e)(1) mandates that such regulations ''shall be the same as substantive regulations issued by the Federal Labor Relations Authority under such chapter,'' with two separate and distinct provisos:

First, section 220(e)(1)(A) authorizes the Board to modify the FLRA's regulations ''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.''

Second, section 220(e)(1)(B) directs the Board to issue regulations that ''exclude from coverage under this section any covered employees who are employed in offices listed in [section 220(e)(2)] 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.''

The provisions of section 220 are effective October 1, 1996, except that, ''[w]ith respect to the offices listed in subsection (e)(2), to the covered employees of such offices, and to representatives of such employees, [section 220] shall be effective on the effective date of regulations under subsection (e).''

II. Advance notice of proposed rulemaking

In an Advance Notice of Proposed Rulemaking (''ANPR'') published on March 16, 1996, the Board provided interested parties and persons with the opportunity to submit comments, with supporting data, authorities and argument, concerning the content of and bases for any proposed regulations under section 220. Additionally, the Board sought comment on two specific issues related to section 220(e)(1)(A): (1)Whether and to what extent the Board should modify the regulations promulgated by the FLRA for application to employees in section 220(e)(2) offices? and (2) Whether the Board should issue additional regulations concerning the manner and extent to which the requirements and exemptions of chapter 71 apply to employees in section 220(e)(2) offices? The Board also sought comment on four issues related to section 220(e)(1)(B): (1) What are the constitutional responsibilities and/or conflicts of interest (real or apparent) that would require exclusion of employees in section 220(e) offices from coverage? (2) Whether determinations as to such exclusions should be made on an office-wide basis or on the basis of job duties and functions? (3) Which job duties and functions in section 220(e) offices, if any, should be excluded from coverage, and what is the legal and factual basis for any such exclusion? and (4) Are there any offices not listed in section 220(e)(2) that are candidates for the application of the section 220(e)(1)(B) exclusion and, if so, why? In seeking comment on these issues, the Board emphasized the need for detailed legal and factual support for any proposed modifications in the FLRA's regulations and for any additional proposed regulations implementing sections 220(e)(1)(A) and (B).

The Board received two comments in response to the ANPR. These comments addressed only the issue of whether the Board should grant a blanket exclusion for all covered employees in certain section 220(e)(2) offices. Neither commenter addressed issues arising under section 220(e)(1)(A) or any other issues arising under 220(e)(1)(B).

III. The notice of proposed rulemaking

On May 23, 1996, the Board published a Notice of Proposed Rulemaking (''NPR'') (142 Cong. R. S5552–56, H5563–68 (daily ed., May 23, 1996)) in the Congressional Record. Pursuant to section 304(b)(1) of the CAA, the NPR set forth the recommendations of the Executive Director and the Deputy Executive Directors for the House and the Senate.

A. Section 220(e)(1)(A)

In its proposed regulations, the Board noted that, under section 220(e)(1)(A), the Board is authorized to modify the FLRA's regulations only ''to the extent that 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 [section 220(e)].'' The Board further noted that no commenter had taken the position that there was good cause to modify the FLRA's regulations for more effective implementation of section 220(e). Nor did the Board independently find any basis to exercise its authority to modify the FLRA regulations for more effective implementation of section 220(e). Thus, the Board proposed that, except as to employees whose exclusion from coverage was found to be required under section 220(e), the regulations adopted under section 220(d) would apply to employing offices, covered employees, and their representatives under section 220(e).

B. Section 220(e)(1)(B)

With regard to section 220(e)(1)(B), the Board concluded that the requested blanket exclusion of all of the employees in certain section 220(e)(2) offices was not required under the stated statutory criteria. However, the Board did propose a regulation that would have allowed the exclusion issue to be raised with respect to any particular employee in any particular case. In addition, the Board again urged commenters who supported any categorical exclusions, in commenting on the proposed regulations, to explain why particular jobs or job duties require exclusion of particular employees so that the Board could exclude them by regulation, where appropriate.

C. Section 220(e)(2)(H)

Finally, in response to a commenter's assertion and supporting information, the Board found that employees in four offices identified by the commenter performed functions ''comparable'' to those performed by employees in the other section 220(e)(2) offices. Accordingly, the Board proposed, pursuant to section 220(e)(2)(H), to identify those offices in its regulations as section 220(e)(2) offices.

IV. Analysis of comments and final regulations

The Board received six comments on the NPR, five from congressional offices and one from a labor organization. Five commenters objected to the proposed regulations because all covered employees in the section 220(e)(2) offices were not excluded from coverage. These commenters further suggested that the Board has good cause, pursuant to section 220(e)(1)(A), to modify the FLRA's regulations by promulgating certain additional regulations. One of the commenters stated its approval of the proposed regulations.

The Board has carefully reexamined the statutory requirements embodied in 220(e), and evaluated the comments received, as well as the recommendations of the Office's statutory appointees. Additionally, the Board has looked to ''the principles and procedures'' set forth in the Administrative Procedure Act, 5 U.S.C. §553 (''APA''), which sections 220(e) and 304 of the CAA require the Board to follow its rulemakings. See 2 U.S.C. §1384(b). Finally, the Board has carefully considered the constitutional provisions and historical practices that make Congress a distinct institution in American government.

Based on its analysis of the foregoing, on the present rulemaking record, the Board has determined that:

under the terms of the CAA, the requirements and exemptions of chapter 71 shall apply to covered employees who are employed in section 220(e)(2) offices in the same manner and to the same extent as those requirements and exemptions are applied to covered employees in all other employing offices;

no additional exclusions from coverage of any covered employees of section 220(e) offices because of (i) a conflict of interest or appearance of conflict of interest or (ii) Congress' constitutional responsibilities are required; and

in accord with section 220(e)(2)(H) of the CAA, eight additional offices beyond those identified in the Board's NPR perform ''comparable functions'' to those offices identified in section 220(e)(2).

The Board is adopting final regulations that effectuate these conclusions. The Board's reasoning for its determinations, together with its analysis of the comments received, is as follows:

A. Section 220(e)(1)(A) Modifications

Section 220(e)(1) provides that the Board ''shall issue regulations pursuant to section 304 on the manner and extent to which the requirements and exemptions of chapter 71 should apply to covered employees'' in section 220(e)(2) offices. In response to the Board's ANPR, no commenter suggested that the Board's regulations should apply differently to section 220(e)(2) employees and employing offices than to other covered employees and employing offices. Several commenters have now suggested that the regulations should be modified in various respects for section 220(e)(2) employees who are not excluded pursuant to section 220(e)(1)(B). The Board, however, is not persuaded by any of these suggestions.

First, contrary to one suggestion, the Board is neither required nor permitted ''to issue regulations specifying in greater detail the application of [Chapter 71] to the specific offices listed in section 220(e)(2).'' Section 220(e)(1) provides that the Board's ''regulations shall, to the greatest extent practicable, be consistent with the provisions and purposes of chapter 71 and of the Act.'' Section 220(e)(1) further specifically states that the Board's ''regulations shall be *the same* as substantive regulations issued by the Federal Labor Relations Authority under'' chapter 71. (Emphasis added.) While section 220(e)(1)(B) makes an ''except[ion]'' to these statutory restrictions ''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,'' this exception neither authorizes nor compels the requested regulations.

As the Board has explained in other rulemakings, it is not possible to clarify by regulation the application of the pertinent statutory provisions and/or the pertinent executive branch agency's regulations (here, the FLRA's regulations) while at the same time complying with the statutory requirement that the Board's regulations be ''the same as substantive regulations'' of the pertinent executive branch agency. Moreover, modification of substantive law is legally distinct from clarification of it. In this context, to conclude otherwise would improperly defeat the CAA's intention that, except where strictly necessary, employing offices in the legislative branch should live with and under the same regulatory regime—with all of its attendant burdens and uncertainties—that private employers and/or executive branch agency employers live with and under. Much as the Chairman of the House Committee on Economic and Educational Opportunities stated at the time of passage of the CAA: ''The Congress should not be allowed to escape the problems created by its own failure to draft laws properly and, perhaps, through this approach [it] will be forced to revisit and clarify existing laws which, because of a lack of clarity, are creating confusion and litigation.'' 141 Cong. Rec. H264 (Jan. 17, 1995) (remarks of Rep. Goodling).

Indeed, in the Board's judgment, adding new regulatory language of the type requested here (*e.g.*, references to job titles) would be contrary to the effective implementation of the rights and protections of the CAA. Such new regulatory language would itself have to be interpreted, would not be the subject of prior interpretations by the FLRA, and would needlessly create new ground for litigation about additional interpretive differences.

Second, the Board cannot accede to the request that it issue regulations providing that all employees of personal, committee, Leadership, General Counsel, and Employment Counsel offices are ''confidential employees,'' within the meaning of 5 U.S.C. §7103(13). As noted above, to the extent that this commenter seeks a declaratory statement that clarifies the appropriate application of 5 U.S.C. §7103(13), the board is not legally free to provide such clarifications through its statutorily limited remaking powers. Moreover, contrary to the proposal of a commenter, the Supreme Court has approved, and the NLRB and the FLRA have applied, a definition of confidential employee'' that is narrowly framed and that applies only to employees who, in the normal course of their specific job duties, properly and necessarily obtain in advance or have regular access to confidential information about management's positions concerning pending contract negotiations, the disposition of grievances, and other labor relations matters. See *NLRB* v. *Hendricks County, et al.*, 454 U.S. 170, 184 (1981); *In re Dept. Labor, Office of the Solicitor, Arlington Field Office and AFGE Local 12*, 37 F.L.R.A. 1371, 1381–1383 (1990). In fact, in both the private and public sectors, it has been held that ''bargaining unit eligibility determinations [must be based] on testimony as to an employee's actual duties at the time of the hearing rather than on duties that may exist in the future;'' ''[b]argaining unit eligibility determinations are *not* based on evidence such as written position descriptions or testimony as to what duties had been or would be performed by an employee occupying a certain position, because such evidence might not reflect the employee's actual duties.'' Id at 1377 (emphasis added). Since these rulings have not been addressed or distinguished by the commenter, the Board must conclude that the requisite ''good cause'' to modify the FLRA's regulations has not been established.

Third, the Board similarly must decline the request that it promulgate regulations: (a) excluding from bargaining units all employees of the Office of Compliance as employees ''engaged in administering the provisions of this chapter,'' within the meaning of 5 U.S.C. §7112(b)(4); and (b) excluding from bargaining units all employees of the Office of Inspector General as employees ''primarily engaged in investigation or audit functions relating to the work of individuals employed by an agency whose duties directly affect the internal security of the agency,'' within the meaning of 5 U.S.C. §7112(b)(7). To the extent that these requests seek clarification concerning the application of existing statutory provisions, the Board is foreclosed by statute from providing such regulatory clarifications (especially for the Office of Inspector General, which does not appear to be a section 220(e)(2) office and which, in contrast to inspector general offices in the executive branch, appears primarily to audit or investigate employees of *other* employing offices, as opposed to auditing employees of its own agency). Moreover, to the extent that these requests seek to have the Board make eligibility determinations in advance of a specific unit determination and without a developed factual record, the commenters again seek a modification in the substantive law for which no ''good cause'' justification has been established.

Fourth, the Board similarly must decline the suggestion that it promulgate regulations: (a) limiting representation of employees of section 220(e)(2) offices to unions unaffiliated with noncongressional unions; (b) clarifying that a Member's legislative positions are not properly the subject of collective bargaining; (c) clarifying the ability of a Member to discharge or discipline an employee for disclosing confidential information or for taking legislative positions inconsistent with the Member's positions; and (d) authorizing section 220(e)(2) offices to forbid their employees from acting as representatives of the views of unions before Congress or from engaging in any other lobbying activity on behalf of unions. The issues raised by the suggested regulations are of significant public interest. But, to the extent that the suggested regulations are requested merely to clarify the application of existing statutory or regulatory provisions, the Board may not properly use its limited rulemaking authority to promulgate such regulatory clarifications. Moreover, there is not ''good cause'' to so ''modify'' the FLRA's regulations, as section 220(e) does not itself provide the Board with authority to modify statutory requirements such as those found in 5 U.S.C. §7112(c) (specifying limitations on whom a labor organizations may represent), 5 U.S.C. §§7703(a)(12), 7106, 7117 (specifying subjects that are not negotiable), 5 U.S.C. §7116(a) (specifying prohibited employment actions), and 5 U.S.C. §7102 (specifying scope of protected employee rights).

Finally, for similar reasons, the Board must reject the request that it place regulatory limitations and prohibitions on the proper uses of union dues. Again, the Board cannot properly use its statutorily-limited regulatory powers either to clarify what commenters find ambiguous or to codify what commenters find unambiguous. Moreover, nothing in chapter 71 (or the CAA) authorizes a labor organization and an employing office to establish a closed shop, union shop, or even an agency shop; accordingly, under chapter 71 (and the CAA), employees cannot be compelled by their employers to join unions against their free will and, concomitantly, employees can resign from union membership and cease paying dues at any time without risk to the security of their employment. In these circumstances, there is no evident basis—legal or factual—for the Board to seek to regulate the proper uses of voluntarily-paid union dues.

In sum, the proposed modifications of the FLRA's regulations are not a proper exercise of the Board's section 220(e) and section 304 rulemaking powers. Accordingly, the Board may not adopt them.

B. Section 220(e)(1)(B) Exclusions

Section 220(e)(1)(B) provides that, in devising its regulations, the Board ''shall exclude from coverage under [section 220] any covered employees [in section 220(e)(2) 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.''

Accordingly, the Board has, with the assistance of the Office's Executive Director and two Deputy Executive Directors, carefully examined the comments received, other publicly available materials about the workforces of the section 220(e)(2) offices, and the likely constitutional, ethical, and labor law issues that could arise from application of chapter 71 to these workforces. The Board has also carefully examined the adequacy of the requirements and exemptions of chapter 71 and section 220(d) of the CAA for: (a) addressing any actual or reasonably perceived conflicts of interests that may arise in the context of collective organization of employees of section 220(e)(2) offices; and (b) accommodating Congress' constitutional responsibilities. Having done so, on the present rulemaking record the Board concludes that additional exclusions from coverage beyond those contained in chapter 71 and section 220(d) are not required by either Congress' constitutional responsibilities or a real or apparent conflict of interest; and the Board now further concludes that an additional regulation specifically authorizing consideration of these issues in any particular case is unnecessary in light of the authority available to the Board under chapter 71's implementing provisions and precedents and the Board's regulations under section 220(d).

1. Additional exclusions from coverage are justified under section 220(1)(B) only where necessary to the conduct of Congress' constitutional responsibilities or to the resolution of a real or apparent conflict or interest

In the preamble to its NPR, the Board expressed its view that additional exclusions of employees from coverage are justified under section 220(e)(1)(B) only where *necessary* to the conduct of Congress' constitutional responsibilities or to the resolution of a real or apparent conflict or interest. Although several commenters have objected to the Board's construction of the statute, the Board is not persuaded by these objections.

First, the Board finds no basis for the suggestion that ''Board has been instructed by the statute to exclude *offices* from coverage based on any of the specified'' statutory criteria. (Emphasis added.) What is mandated is an inquiry by the Board concerning whether exclusion of an employee is justified by the statutory criteria; specifically, an exclusion of a covered employee is mandated only ''*if*[as a result of the Board's inquiry] the Board determines such exclusion is required.'' (Emphasis added). Thus, the exclusion provision is only conditional, and the exclusion inquiry is to be addressed on an employee-by-employee basis, not on an office-by-office basis, as the commenter erroneously suggests.

Second, contrary to another commenter's suggestion, the statutory language does not require exclusion of employees where such exclusions would merely be ''suitable'' or ''appropriate'' to the conduct of Congress' constitutional responsibilities or to the resolution of a real or apparent conflict of interest. The statutory language cannot properly be read in this fashion.

The statute expressly states that an exclusion of an employee is appropriate only ''if the Board determines that such exclusion is *required* because of'' the stated-statutory criteria. (Emphasis added.) The term ''[r]equired implies something mandatory, not something permitted . . . .'' *Mississippi River Fuel Corporation* v. *Slayton,* 359 F.2d 106, 119 (8th Cir. 1966) (Blackburn, J.). Moreover, while the term ''required'' is capable of different usages, the usage equating with ''necessity'' or ''indispensability'' is the most common one. See Webster's Third New International Dictionary 1929 (1986). And, as part of an ''except[ion]'' to a statutory requirement that the Board's regulations be ''the same'' as the FLRA's regulations and be consistent with the ''provisions and purposes'' of chapter 71 to the ''greatest extent practicable,'' it is highly unlikely that Congress would mandate ''exclusion from coverage''—with loss of not only organization rights, but also rights against discipline or discharge because of engagement in otherwise protected activities—when less restrictive alternatives (e.g., exclusion from a bargaining unit; limitation on the union that may represent the employee) would adequately safeguard Congress' constitutional responsibilities and resolve any real or apparent conflicts of interest.

In these circumstances, the term ''required'' cannot properly be read to require additional exclusions from coverage merely because they would be ''suitable'' or ''appropriate'' to the conduct of Congress' constitutional responsibilities or to the resolution of a real or apparent conflict of interest. Such an interpretation would not be, ''to the greatest extent practicable,'' ''consistent with the provisions and purposes of chapter 71,'' as section 220(e) requires. Moreover, such an interpretation would be contrary to the CAA's promise that, except where strictly necessary, Congress will be subject to the same employment laws to which the private sector and the executive branch are subject. Indeed, contrary to the CAA's purpose, such an interpretation would rob Members of direct experience with traditional labor laws such as chapter 71, and leave them without the first-hand observations that would help them decide whether and to what extent labor law reform is needed and appropriate.

Third, for these reasons, the Board also rejects one commenter's suggestion that the omission of a ''good cause'' requirement from section 220(e)(1)(B) suggests that a lesser standard for exclusion from coverage was intended. The omission of a ''good cause'' requirement in section 220(e)(1)(B) is more naturally explained: The term ''required'' sets the statutory standard in section 220(e)(1)(B), and the ''good cause'' standard is simply not needed.

Finally, contrary to the objections, the legislative history does not support the commenters' view that additional exclusions from coverage are mandated even if not strictly necessary to the conduct of Congress' constitutional responsibilities or to the resolution of a real or apparent conflict of interest. It appears that, at one point in the preceding Congress, some Members expressed: ''concern that, if legislative staff belonged to a union, that union might be able to exert undue influence over legislative activities or decisions. Even if such a conflict of interest between employees' official duties and union membership did not occur, the mere appearance of undue influence or access might be very troubling. Furthermore, there is a concern that labor actions could delay or disrupt vital legislative activities. S. Rep. No. 397, 103d Cong., 2d Sess. 8 (1994).''

But the legislative sponsors did not respond to these concerns by excluding all legislative staff from coverage or by requiring exclusion of any section 220(e)(2) office's employees wherever it would be ''suitable'' or ''appropriate.''

Rather, the legislative sponsors responded by applying chapter 71 (rather than the NLRA) to the legislative branch. Senators John Glenn and Charles Grassley urged this course on the ground that chapter 71 ''includes provisions and precedents that address problems of conflict of interest in the governmental context and that prohibit strikes and slowdowns.'' Id. at 8; 141 cong. rec. S444–45 (daily ed., Jan. 5, 1995) (statement of Sen. Grassley).

To be sure, the legislative sponsors further provided that, ''as an extra measure of precaution, the reported bill would not apply labor-management law to Members' personal or committee offices or other political offices until the Board has conducted a special rulemaking to consider such problems as conflict of interest.'' Id. However, the legislative sponsors made clear that an appropriate solution to a real or apparent conflict of interest would include, for example, precluding certain classes of employees ''from being represented by unions affiliated with noncongressional or non-Federal unions.'' Contrary to the commenter's argument, exclusion of section 220(e)(2) office employees

from coverage was not viewed as inevitably required, even where a conflict of interest is found to exist. 141 Cong. Rec. S626 (daily ed., Jan. 9, 1995). Moreover, the legislative sponsors expressly stated that the rulemaking so authorized ''is not a standardless license to roam far afield from such executive branch regulations. The Board cannot determine unilaterally that an insupportably broad view of Congress' constitutional responsibilities means that no unions of any kind can work in Congress.'' Id. That, of course, would be precisely the result of the commenters' proposed standard.

2. No additional exclusion from coverage of any covered employee of a section 220(e)(2) office is necessary to the conduct of Congress' constitutional responsibilities or to the resolution of a real or apparent conflict of interest

The question for the Board, then, is whether, on the present rulemaking record, the additional exclusion from coverage of any covered employee of a section 220(e)(2) office is necessary to the conduct of Congress' constitutional responsibilities or to the resolution of a real or apparent conflict of interest. The Board concludes that no such additional exclusions from coverage are required.

a. No additional exclusion from coverage is necessitated by Congress' constitutional responsibilities

The CAA does not expressly define the ''constitutional responsibilities'' with which section 220(e)(1)(B) is concerned. But, as one commenter has suggested, it may safely be presumed that this statutory phrase encompasses at least the responsibility to exercise the legislative authority of the United States; to advise and consent to treaties and certain presidential nominations; and to try matters of impeachment. Even so defined, however, the Board has no factual or legal basis for concluding that any additional employees of the section 220(e)(2) offices must be excluded from coverage in order for Congress to be able to carry out these constitutional responsibilities or any others assigned to Congress by the Constitution.

Chapter 71 was itself ''designed to meet the special requirements and needs of the Government.'' 5 U.S.C. §7101(b). Thus, chapter 71 authorizes the exclusion of any agency or subdivision thereof where necessary to the ''national security,'' and completely excludes from coverage aliens and noncitizens who occupy positions outside of the United States, members of the uniformed services, and ''supervisors'' and ''management officials.'' Id. at §§7103(a)(2), 7103(b). In addition, chapter 71 requires that bargaining units not include ''confidential'' employees, employees ''engaged in personnel work,'' employees ''engaged in administering'' chapter 71, both ''professional employees and other employees,'' employees whose work ''directly affects national security,'' and employees ''primarily engaged in investigation or audit functions relating to the work of individuals'' whose duties ''affect the internal security of the agency.'' Id. at §7112(b). Likewise, chapter 71 provides that a labor organization that represents (or is affiliated with a union that represents) employees to whom ''any provision of law relating to labor-management relations'' applies may not represent any employee who administers any such provision of law; and, chapter 71 prohibits according exclusive recognition to any labor organization that ''is subject to corrupt influences or influences opposed to democratic principles,'' id. at §§7112(c), 7111(f), and precludes an employee from acting in the management of (or as a representative for) a labor organization where doing so would ''result in a conflict or apparent conflict of interest or would otherwise be incompatible with law or with the official duties of the employee.'' Id. at §7120(e). Furthermore, chapter 71 broadly preserves ''Management rights,'' limits collective bargaining to ''conditions of employment,'' and, in that regard, among other things, specifically excludes matters that ''are specifically provided for by Federal statute.'' Id. at 7106, 7103(12)(a), (14). Finally, chapter 71 makes it unlawful for employees and their labor organizations to engage in strikes, slowdowns, or picketing that interferes with the work of the agency. Id. at 7116(b)(7).

Just as the provisions and precedents of chapter 71 are sufficient to allow the Executive Branch to carry out its constitutional responsibilities, the provisions and precedents of chapter 71 are fully sufficient to allow the Legislative Branch to carry out its constitutional responsibilities. Congress is, of course, a constitutionally separate branch of government with distinct functions and responsibilities. But, by completely excluding ''supervisors'' and ''management officials'' from coverage, and by preserving ''Management rights,'' chapter 71 ensures that Congress is not limited in the exercise of its constitutional powers. Furthermore, by denying ''exclusive recognition'' to any labor organization that ''is subject to corrupt influences or influences opposed to democratic principles,'' chapter 71 ensures that labor organizations will not become a foothold for those who might seek to undermine or overthrow our nation's republican form of government. In addition, by outlawing strikes and other work stoppages, chapter 71 ensures that employee rights to collective organization and bargaining may not be used improperly to interfere with Congress' lawmaking and other functions. Indeed, by specifying that its provisions ''should be interpreted in a manner consistent with the requirement of an effective and efficient Government,'' 5 U.S.C. §7101(b), chapter 71 makes certain that its provisions will expand and contract to accommodate the legitimate needs of Government, which no doubt in this context include the fulfillment of Congress' constitutional responsibilities.

The Board cannot legally accept the suggestion of some commenters that collective organization and bargaining rights for section 220(e)(2) office employees are ''inherently inconsistent'' with the conduct of Congress' constitutional responsibilities. These commenters' position may be understood in political and administrative terms. But, under the CAA, such a claim must legally be viewed with great skepticism, for the CAA adopts the premise of our nation's Founders, as reflected in the Federalist papers and other contemporary writings, that government works better and is more responsible when it is accountable to the same laws as are the people and is not above those laws. Such interpretive skepticism is particularly warranted in this context, for the claim that collective bargaining and organization rights for section 220(e)(2) office employees are ''inherently inconsistent'' with Congress' constitutional responsibilities is in considerable tension with the CAA's express requirement that the Board examine the exclusion issue on an employee-by-employee basis. Indeed, section 220(e) of the CAA expressly requires the Board to accept, ''to the greatest extent practicable,'' the findings of Congress in chapter 71 that ''statutory protection of the right of employees to organize, bargain collectively, and participate through labor organizations of their own choosing in decisions which affect them—(A) safeguards the public interest, (B) contributes to the effective conduct of public business, and (C) facilitates and encourages the amicable settlements of disputes between employees and their employers involving conditions of employment.'' 5 U.S.C. §7101(a). The statutory instruction to honor these findings to ''the greatest extent practicable'' is directly at odds with the commenters' ''inherent inconsistency'' argument.

Moreover, contrary to the commenters' suggestion, neither the allegedly close working relationships between the principles of section 220(e)(2) offices and their staffs nor the allegedly close physical quarters in which section 220(e)(2) office employees work can legally justify the additional exclusions from coverage that the commenters seek. Chapter 71 already excludes from coverage all ''management officials'' and ''supervisors''—i.e., those employees who are in positions ''to formulate, determine, or influence the policies of the agency,'' and those employees who have the authority to hire, fire, and direct the work of the office. Moreover, chapter 71 excludes from bargaining units ''confidential employees,'' ''employees engaged in personnel work,'' and various other categories of employees who, by the nature of their job duties, might actually have or might reasonably be perceived as having irreconcilably divided loyalties and interests if they were to organize. Beyond these carefully crafted exclusions, however, chapter 71 rejects both the notion that ''unionized employees would be more disposed than unrepresented employees to breach their obligation of confidentiality,'' and the notion that representation by a labor organization or ''membership in a labor organization is in itself incompatible with the obligations of fidelity owed to an employer by its employee.'' *In re Dept. of Labor, Office of the Solicitor, Arlington Field Office and AFGE Local 12,* 37 F.L.R.A. at 1380 (citations omitted; internal quotations omitted), Rather at the Supreme Court recently reiterated, the law in the private and public sectors requires that acts of disloyality or misuse of confidential information be dealt with by the employer through, e.g., non-discriminatory work rules, discharge and/or discipline. See *NLRB* v. *Town & Country Electric, Inc.,* 116 S. Ct. 450, 457 (1995). These rulings are especially applicable and appropriate in the context of politically appointed employees in political offices of the Legislative Branch, since such employees generally are likely to be uniquely loyal and faithful to their employing offices.

In this same vein, the Board cannot legally accept the suggestion that additional exclusions from coverage of section 220(e)(2) office employees are justified by reference to Members' understandable interest in hiring and firing on the basis of ''political compatibility.'' While a long and forceful tradition in this country, hiring and firing on the basis of ''political compatibility'' is not a constitutional right, much less a constitutional responsibility, of the Congress or its Members. Moreover, while section 502 of the CAA provides that it ''shall not be a violation of any provision of section 201 to consider the . . . political compatibility with the employing office of an employee, ''2 U.S.C. §1432, section 502 noticeably omits section 220 from its reach. Thus, the Board has no legal basis for construing section 220(e)(1)(B) to require additional exclusions from coverage in order to protect the interest of Members in ensuring the ''political compatibility'' of section 220(e)(2) office employees.

Furthermore, the Board cannot legally accept the suggestion that exclusion of all employees in personal, committee, leadership or legislative support offices is justified to prevent labor organizations from obtaining undue influence over Members' legislative activities. The issue of organized labor's influence on the nation's political and legislative processes is one of substantial public interest. But commenters have not explained

how organized labor's effort to advance its political and legislative agenda legally may be found to constitute an interference with Congress' constitutional responsibilities. Moreover, chapter 71 only authorizes a labor organization to compel a meeting concerning employees' ''conditions of employment'' that are not specifically provided for by Federal statute. Thus, a labor organization may not lawfully use chapter 71 either to demand a meeting about a Member's legislative positions or to seek to negotiate with the Member about those legislative positions.

Finally, the Board cannot legally accept the suggestion that additional exclusions from coverage of section 220(e)(2) office employees are necessary to ensure that Members are neither inhibited in nor distracted from the performance of their constitutional duties. The Board does not doubt that, if employees choose to organize, compliance with section 220 may impose substantial administrative burdens on Members (just as compliance with the other laws made applicable by the CAA surely does). Such administrative burdens might have been a ground for Congress to elect in the CAA to exempt Members and their immediate offices from the scope of section 220 (just as the Executive Office of the President is exempt from chapter 71 and from many of the other employment laws incorporated in the CAA). But Congress did not do so. Instead, Congress imposed section 220 on all employing offices and provided an ''except[ion]'' for employees of section 220(e)(2) offices only where exclusion from coverage is required by Congress' constitutional responsibilities (or a real or apparent conflict of interest). The Board cannot now lawfully find that the administrative burdens of compliance with section 220 are the constitutional grounds that justify the additional exclusion from coverage of any section 220(e)(2) office employees; on the contrary, the Board is bound to apply the CAA's premise that Members of Congress will better and more responsibly carry out their constitutional responsibilities if they are in fact subject to the same administrative burdens as the laws impose upon our nation's people.

b. No additional exclusion is necessitated by any real or apparent conflict of interest

Nor can the Board lawfully find on this rulemaking record that additional exclusions from coverage of employees of section 220(e)(2) offices are required by a real or apparent conflict of interest. Since the phrase ''conflict of interest or appearance of conflict of interest'' is not defined in the CAA, it must be construed ''in accordance with its ordinary and natural meaning.'' *FDIC* v. *Meyer,* 114 S.Ct. 996, 1001 (1994). The ''ordinary and natural meaning'' of ''conflict of interest or appearance of conflict of interest'' is a real or reasonably apparent improper or unethical ''conflict between the private interest and the official responsibilities of a person in a position of trust (such as a government official).'' Webster's Ninth New Collegiate Dictionary 276 (1990). *Accord,* Black's Law Dictionary 271 (5th ed. 1979). Specifically, as Senate and House ethics rules make clear, under Federal law the phrase ''conflict of interest or appearance of conflict of interest'' refers to ''a situation in which an official's conduct of his office conflicts with his private economic affairs.'' House Ethics Manual 87 (1992); Senate Rule XXXVII. After thorough examination of the matter, the Board has found no tenable legal basis for concluding that additional exclusions from coverage of any employees of section 220(e)(2) offices are necessary to address any real or reasonably perceived incompatibility between employees' private financial interests and their public job responsibilities.

As noted above, by excluding ''management officials'' and ''supervisors'' from coverage, and by requiring that bargaining units not include ''confidential employees'' and ''employees engaged in personal work,'' chapter 71 already categorically resolves the real or apparent conflicts of interest that may be faced by employees whose jobs involve setting, administering or representing their employer in connection with labor-management policy or practices. Similarly, by require that bargaining units not include employees ''engaged in administering'' chapter 71, chapter 71 already resolves real or apparent conflicts of interest that might arise for employees of, for example, the Office of Compliance. Furthermore, by precluding an employee from acting in the management of (or as a representative for) a labor organization, where doing so would ''result in a conflict of interest or apparent conflict of interest or would otherwise be incompatible with law or with the official duties of the employee,'' chapter 71 already directly precludes an employee from assuming a position with the union (or from acting on behalf of the union) where he or she could confer a personal economic benefit on him or herself. And, as an added precaution, the Board has adopted a regulation under section 220(d) that authorizes adjustment of the substantive requirements of section 220 where ''necessary to avoid a conflict of interest or appearance of conflict of interest.'' Therefore, all conceivable real and apparent conflicts of interests are resolvable without the need for additional exclusions from coverage.

The Board finds legally untenable the suggestion of several commenters that, by directing the Board to consider these real or apparent conflict of interest issues in its rulemaking process, section 220(e)(1)(B) entirely displaces and supersedes the conflict of interest provisions and precedents of chapter 71 and section 220(d) where employees of section 220(e)(2) offices are concerned. Section 220(e) specifically provides that the Board's regulations for section 220(e)(2) offices ''shall, to the greatest extent practicable, be consistent with the provisions and purposes of chapter 71'' and ''shall be the same as substantive regulations issued by'' the FLRA. As pertinent here, it makes an ''except[ion]'' only ''if the Board determines that * * * exclusion [of a section 220(e)(2) office employee] is required because of * * * a conflict of interest or appearance of a conflict interest.'' This conditional exception—applicable only ''if'' the Board determines that an exclusion from coverage is ''required'' by a real or apparent conflict of interest—plainly does not displace or supersede the provisions and precedents of chapter 71 and section 220(d) that section 220(e) expressly applies to section 220(e)(2) offices. Indeed, as the statutory language and legislative history discussed above confirm, section 220(e)(1)(B) requires this rulemaking merely as a ''special precaution'' to ensure that chapter 71 and section 220(d) appropriately and adequately deal with conflict of interest issues in this context.

The Board similarly cannot legally accept the suggestion that exclusion of employees in personal, committee, leadership and party caucus offices is necessary to address ''the most important legislative conflict of interest issue—the appearance or reality of influencing legislation.'' While understandable in political terms, this suggestion has no foundation in the law which the Board is bound to apply.

To begin with, the Board has no basis for concluding that the provisions and precedents of chapter 71 and section 220(d) are inadequate to resolve any such conflict of interest issues. Although commenters correctly point out that the Executive Office of the President is not covered by Chapter 71, they provide no evidence that this exclusion resulted from conflict of interest concerns. Moreover, though commenters suggest that employees of the Executive Branch engage in only administrative functions, the Executive Branch in fact has substantial political functions relating to the legislative process—including, e.g. recommending bills for consideration, providing Congress with information about the state of the Union, and vetoing bills that pass the Congress over the President's objection. Furthermore, almost every executive agency covered by chapter 71 has legislative offices with both appointed and career employees who, like section 220(e)(2) office employees, are responsible for meeting with special interest groups, evaluating and developing potential legislation, and making recommendations to their employees about whether to sponsor, support or oppose that or other legislation. Chapter 71 does not exclude from its coverage Executive Branch employees performing such policy and legislation-related functions (much less the secretaries and clerical personnel in their offices); and, contrary to one commenter's suggestion, chapter 71 does not exclude from its coverage schedule ''C'' employees who are outside of the civil service and who are appointed to perform policy-related functions and to work closely with the heads of Executive Branch departments. See *U.S. Dept of HUD and AFGE Local 476,* 41 F.L.R.A. 1226, 1236–37 (1991). Since the Board has no evidence that the conflict of interest issues for section 220(e)(2) office employees materially differ from the conflict of interest issues that these Executive Branch employee face, the Board has no proper basis for finding that additional section 220(e)(2) office employees must be excluded from coverage simply because they too are outside of the civil service and perform legislative-related functions.

Second, the Board is not persuaded that the concern expressed by the commenters—i.e. that labor organizations will attempt to influence the legislative activities of employees who they are seeking to organize and represent—even constitutes a ''conflict of interest or appearance of conflict of interest'' within the meaning of that statutory term. As noted above, under both common usage and House and Senate ethics rules (as well as under federal civil service rules and other federal laws), the statutory phrase ''conflict of interest of appearance of conflict of interest'' refers to a situation in which an official's conduct of his office actually or reasonably appears unethically to provide him or her with a private economic benefit. While the Board understands that accepting gifts from labor organizations might actually or apparently constitute receipt of such an improper pecuniary benefit, the board fails to see how working with labor organizations concerning their legislative interests confers or appears to confer any improper private economic benefit or legislative branch employees—just as the board does not see how working on legislative matters with other interest groups to which the employee might belong (such as the American Tax Reduction Movement, the Sierra Club, the National Rifle Association, the National Right to Work Foundation, the NAACP, and/or the National Organization or Women) would do so. On the contrary, it is the employees' job to meet with special interest groups of this type, to communicate the preferences and demands of these special interest groups to the Members or communities for which they work, and, where allowed or instructed to do so, to assist or oppose these special interest groups in pursuing their legislative interests.

It is true, as one commenter notes, that, in contrast to other interest groups, a labor organization could, in addition, to its legislative activities, seek to negotiate with an employing office about the employees' ''condition of employment.'' But each of the employees would have to negotiate individually with the employing office if the union did not do so collectively for them. Moreover, since those who negotiate for the employing office and decide whether or not to provide or modify any such ''conditions of employment'' may by law not be part of the unit that the union represents, section 220(e)(2) office employees could not through the collective negotiations of their ''conditions of employment'' unethically provide themselves or appear to provide themselves with an improper pecuniary benefit for the way that they perform their official duties for the employing office. Thus, collective organization of section 220(e)(2) office employees would not create a real or apparent conflict of interest—just as it does not for appointed and career employees in the Executive Branch who perform comparable policy or legislative-related functions.

To be sure, because of an employee's sympathy with or support for the union (or any other interest group), the employee could urge the Member or office for which he or she works to take a course that is not in that employer's ultimate best political or legislative interest. Indeed, it is even conceivable that, because of the employee's sympathy with or support for a particular interest group such as organized labor, the employee could act disloyally and purposefully betray the Member's or the employing office's interests. But employees could have such misguided sympathies, provide such inadequate support, and/or act disloyally whether or not they are members of or represented by a union. Thus, just as was true in the context of Congress' constitutional responsibilities (and as is true for Executive Branch employees), the legally relevant issues in such circumstances are ones of acceptable job performance and appropriate bargaining units, work rules, and discipline—not issues of real or apparent conflicts of interest. See *NLRB* v. *Town and Country Electric, Inc.*, 116 S. Ct. at 456–57.

It is also true that organized labor has a particular interest in legislative issues relating to employment and that, if enacted, some of the resulting laws could work to the personal economic benefit of employees in section 220(e)(2) offices and, indeed, sometimes even to the economic benefit of Members (e.g., federal pay statutes). But whenever Members or their staffs work on legislation there is reason for concern that they will seek to promote causes that will personally benefit themselves or groups to which they belong—whether it be with respect to e.g. their income tax rates, their statutory pay and benefits, the grounds upon which they can be denied consumer credit, or the ease with which they can obtain air transportation to their home states. These concerns, however, will arise whether or not employees in section 220(e)(2) offices are allowed to organize and bargain collectively concerning their ''conditions of employment,'' and cannot conceivably ''require'' the exclusion of additional section 220(e)(2) office employees from coverage under section 220. As a Bipartisan Task Force on Ethics has so well stated: ''A conflict of interest is generally defined as a situation in which an official's private financial interests conflict or appear to conflict with the public interest. Some conflicts or interest are inherent in a representative system of government, and are not in themselves necessarily improper or unethical. Members of Congress frequently maintain economic interests that merge or correspond with the interests of their constituents. This community of interests is in the nature of representative government, and is therefore inevitable and unavoidable. House Bipartisan Task Force on Ethics, Report on H.R. 3660, 101st Cong., 1st Sess. 22 (Comm. Print, Comm. on Rules 1989), reprinted in 135 Cong. Rec. H9253, H9259 (daily ed. Nov. 21, 1989).

The Board does not mean to suggest that the public does not have a legitimate interest in knowing about the efforts that interest groups (such as organized labor) make to influence Members and their legislative staffs or the financial benefits that Members and their legislative staffs receive. But, as the recently enacted Lobbying Disclosure Act evidences, and as the Bipartisan Task Force on Ethics long ago concluded, lobbying contact disclosure and ''public financial disclosure, coupled with the discipline of the electoral process, remain[s] the best safeguard[s] and the most appropriate method[s] to deter and monitor potential conflicts of interest in the legislative branch.'' House Bipartisan Task Force on Ethics, 135 Cong. Rec. at H9259.

For these reasons, the Board also declines to adopt the suggestion that it exclude from coverage by regulation, on the ground of ''conflict of interest or appearance of conflict or interest,'' all employees of section 220(e)(2) offices who are shown in an appropriate case to be ''exempt'' employees within the meaning of the Fair Labor Standards Act (''FLSA''). This suggestion would improperly allow unions and/or the General Counsel to challenge an employing office's compliance with section 203 of the CAA in the context of a section 220 proceeding. Moreover, under both private sector law and chapter 71, employees are not uniformly excluded from coverage by virtue of their ''exempt'' status, even though such employees may exercise considerable discretion and independent judgment in performing their duties, serve in sensitive positions requiring unquestionable loyalty to their employers, and/or have access to privileged information. Thus, doctors who are responsible for the counseling and care of millions of ill person are allowed to organize; engineers who are responsible for ensuring the safety of nuclear power plants are allowed to organize; lawyers who are responsible for providing privileged advice and for prosecuting actions on behalf of the Government (such as attorneys at the Department of Labor and at the NLRB) are allowed to organize; and schedule ''C'' employees who are outside of the civil service, work closely with the heads of Executive Branch departments, and assist in the formulation of Executive Branch policy are not excluded from coverage under chapter 71. Nothing about those employees' ''exempt'' status itself establishes a real or apparent incompatibility between an employee's conduct of his office and his private economic affairs. No tenable legal basis has been offered for reaching a different conclusion about the ''exempt'' employees of section 220(e)(2) offices.

For similar reasons, the Board declines to adopt the suggestion that it exclude from coverage by regulation, on the ground of ''conflict of interest or appearance of conflict of interest,'' all employees in section 220(e)(2) offices who hold particular job titles—e.g., Administrative Assistants, Staff Directors, and Legislative Directors. The Board has no doubt that many section 220(e)(2) office employees in such job classifications will, because of the actual duties that these employees perform, be excluded from coverage as ''management officials'' or ''supervisors.'' And the Board similarly has no doubt that many section 220(e)(2) office employees in these or other job classifications will, because of the actual duties that these employees perform, be excluded from particular bargaining units as ''confidential employees,'' ''employees engaged in personnel work,'' ''professional employees,'' etc. But, as decades of experience in myriad areas of employment law have taught, these legal judgments must turn on the actual job duties that the employees individually perform, and not on their job titles or job classifications. It is the actual job duties of the employees that dictate whether the concern of the particular law in issue is actually implicated (*e.g.*, whether there is a real or apparent conflict of interest); and the use of job titles in a regulation would unwisely have legal conclusions turn on formalisms that are easily subject to manipulation and error (*e.g.*,different employing offices may assign the same job title or job classification to employees who perform quite distinct job responsibilities and functions).

In sum, in the six month period during which the job titles and job classifications applicable to section 220(e)(2) office employees have been thoroughly investigated and studied by the Board, neither the statutory appointees nor the Board—or, for that matter, any commenter—has identified any job duty or job function that, in the context of collective organization, would categorically create a real or apparent conflict of interest that is not adequately addressed by the provisions and precedents of chapter 71 and the Board's section 220(d) regulations. Accordingly, on this record, the Board has no legal basis for excluding any additional section 220(e)(2) office employees from coverage by regulation; and, for the reasons here stated, it would be contrary to the effective implementation of the CAA for the Board to reframe existing regulatory exclusions in terms of the job titles or job classifications presently used by certain section 220(e)(2) offices.

3. Final regulations under section 220(e)(1)(B)

For these reasons, the Board will not exclude any additional section 220(e)(2) office employees from coverage in its final section 220(e) regulations. Moreover, the Board will not adopt a regulation that specially authorized consideration of these exclusion issues in any particular case. Although the Board proposed to do so in its NPR (as a precautionary measure to ensure that employing offices were not prejudiced by the paucity of comments provided in response to the ANPR), commenters have vigorously objected to any such regulation. Having carefully considered this matter and determined both that no exclusions are required on this rulemaking record and that all foreseeable constitutional responsibility and conflict of interest issues may be appropriately accommodated under section 220(d) and chapter 71, the Board now concludes that no such regulation is necessary.

We now turn to the partial dissent. With all due respect to our colleagues, we strongly disagree that the CAA envisions a different rulemaking process for the Board's section 220(e)(1)(B) inquiry than the one that the Board has followed in this rulemaking and in all of its other substantive rulemakings. The section 220(e)(1)(B) inquiry is unique only in terms of the substantive criteria which the statute directs the Board to apply and the effective date of its provisions. In terms of the Board's process, section 220(e) expressly requires—just as the other substantive sections of the CAA expressly require—the Board to adopt its implementing regulations ''pursuant to section 304'' of the CAA, 2 U.S.C. §1351(e), which in turn requires that the Board conduct its rulemakings ''in accordance with the principles and procedures set forth'' in the APA. 2 U.S.C. §1384(b). The partial dissent's arguments that a different

and distinct process is required under section 220(e)(1)(B) is at odds with these express statutory requirements.

Nor is there any basis for the partial dissent's charge that the Board's section 220(e)(1)(B) inquiry was ''passive,'' ''constrained solely by written submissions,'' and undertaken without ''sufficient knowledge of Congressional staff functions, responsibilities and relationships. . . .'' In the ANPR and the NPR, the Board afforded all interested parties two opportunities to address these issues. The Board carefully considered the comments received from employing offices and their administrative aids—i.e., those who are most knowledgeable about the job duties and functions of congressional staff and who should have had the most interest in informing the Board about the relevant issues in this rulemaking. Moreover, over the past six months, the Board has received extensive recommendations from the Executive Director and the Deputy Executive Directors of the House and Senate—recommendations that were based upon the statutory appointees' own legislative branch experiences, their substantial knowledge of these laws, their appropriate discussions with involved parties and those knowledgeable about job duties and responsibilities in section 220(e)(2) offices, and their own independent investigation of the pertinent factual and legal issues. In addition, the General Counsel has provided interested Board members with extensive legal advice about these issues. Indeed, during the past six months, members of the Board were able to review vast quantities of publicly available materials that, among other things, describe in detail the job functions, job responsibilities, and office work requirements and restrictions for employees of the section 220(e)(2) offices. The claim of the partial dissent that this material still needs to be found is thus completely mystifying to the Board; and, since neither the dissenters nor the commenters have pointed to any other information that would be of assistance in deciding the section 220(e)(1)(B) issues, it seems clear that the dissenting members' objection is not with the sufficiency of the information available to themselves or to the Board, but rather is with the result that the Board has reached.

In advocating a different result about the appropriateness of additional exclusions from coverage, however, the partial dissent simply ignores the statutory language and legislative history of section 220 of the CAA. For all of its repeated exhortations about the need to implement the will of Congress, the partial dissent does not identify the constitutional responsibilities or conflicts of interests that supposedly require the additional exclusions from coverage that the dissenters raise for consideration. Indeed, the partial dissent does not even conclude which of its various suggested possible exclusions from coverage are ''required'' by section 220(e)(1)(B) or why.

The partial dissent's critique of the Board's analysis is similarly bereft of legal authority. While criticizing the Board for relying on precedents under chapter 71, the partial dissent ignores section 220(e)'s express command that the Board's implementing regulations under section 220(e)(1)(B) be consistent ''to the greatest extent practicable'' with the ''provisions and purposes'' of chapter 71. Moreover, while noting that legislative branch employees of state governments have not been granted the legal right to organize, the partial dissent fails to acknowledge that this gap in state law coverage results from state laws having generally been modelled after federal sector law (which, until the CAA's enactment, did not cover congressional employees); and, in all events, the partial dissent fails to acknowledge that section 220 itself rejects this state law experience by covering without qualification non-section 220(e)(2) office employees and by allowing exclusion of section 220(e)(2) office employees only *if* required by the stated statutory criteria. Finally, while asserting that employees in the section 220(e)(2) offices perform functions that are not comparable to functions employed by any covered employees in the Executive Branch, the partial dissent never specifically identifies these supposedly unique job duties and functions and, even more importantly, never explains why the provisions of chapter 71 and section 220(d) are inadequate to address constitutional responsibility or conflict of interest issues arising from them. In short, with all respect, the partial dissent does not provide any acceptable legal basis for concluding that additional regulatory exclusions from coverage are required to address any constitutional responsibility or conflict of interest issues.

The partial dissent similarly errs in suggesting that the Board has ''apparent reluctance or disdain'' for regulatory resolutions and instead prefers adjudicative resolutions. Like our dissenting colleagues, the Board applauds the NLRB's innovative effort—undertaken under the leadership of then-NLRB Chairman Jim Stephens, who is now Deputy Executive Director for the House—to use rulemaking to address certain bargaining unit issues that have arisen in the health care industry. But the issue here is not whether the NLRB should be praised for having done so or, for that matter, whether regulatory resolutions are generally or even sometimes superior to adjudicative resolutions in that or other contexts. Nor is the issue whether Congress has stated a preference for regulatory resolutions in the CAA. Rather, the issue here is whether additional exclusions from coverage are required to address any constitutional responsibility or conflict of interest issues that may arise in connection with collective organization of section 220(e)(2) office employees. For the reasons earlier stated, the Board has concluded that no such additional exclusions from coverage are required to do so. Thus, to the extent that any constitutional responsibility or conflict of interest issue is left to be resolved adjudicatively, it is only because, where complete exclusion from coverage is not required, the CAA instructs the Board to follow chapter 71's preference for addressing matters of this type in the context of a particular case, and because any constitutional responsibility or conflict of interest issue may be satisfactorily addressed by approaches that are less restrictive than complete exclusion from coverage of section 220(e)(2) office employees. The Board regrets that the partial dissent confuses the Board's respect for the commands of the CAA with a ''disdain'' for rulemaking that the Board does not have.

With all respect to our colleagues, the partial dissent's own lack of attention to the commands of the CAA is strikingly revealed by its discussion of the uncertainty and delay that allegedly will result from not resolving all constitutional responsibility and conflict of interest issues through additional exclusions from coverage. Regulatory uncertainty and delay should be reduced where legally possible and appropriate. But inclusion of the constitutional responsibility and conflict of interest issues in the mix of issues that inevitably must be addressed in a unit determination will not have the unique practical significance that the dissent claims, since employment in the legislative branch is in fact not substantially more transient than is employment in many parts of the private and federal sectors (e.g., construction, retail sales, canneries in Alaska), since private and Executive Branch employers also work under ''time pressures'' that ''are intense and uneven,'' and since the Board has designed its section 220(d) procedures to deal with all unit determination issues as promptly as or more promptly than comparable issues are dealt with in the private and federal sectors. And, in all events, it is clear that administrative burdens of the type discussed by the partial dissent cannot legally justify additional exclusions from coverage, because these administrative burdens legally have nothing to do with the constitutional responsibility and conflict of interests inquiries to which the Board is limited under the statute; indeed, as noted above, the premise of the CAA is that Congress will better exercise its constitutional responsibilities if it is subject to the same kinds of administrative burdens as private sector and Executive Branch employers are subject to under these laws.

The Board appreciates its dissenting colleagues' concern that, if employees of section 220(e)(2) offices should choose to organize, elected officials in Congress may have to negotiate about their employees' conditions of employment'' with political friends or foes. But the Board cannot agree that these political concerns require or allow the additional possible exclusions from coverage that are mentioned in the partial dissent. Such political concerns do not legally establish an interference with Congress' constitutional responsibilities or a real or apparent conflict of interest; and the CAA by its express terms only allows additional exclusions from coverage that are required by such constitutional responsibilities or conflicts of interest. If the CAA is to achieve its objectives and the Board is to fulfill its responsibilities, the Board must adhere to the terms of the law that the Congress enacted and that the President signed; the Board may not properly relax the law so as to address non-statutory concerns of this type.

C. Section 220(e)(2)(H) Offices

Section 220(e)(2)(H) of the CAA authorizes the Board to issue regulations identifying ''other offices that perform comparable functions'' to those employing offices specifically listed in paragraphs (A) through (G) of section 220. In response to a comment on the ANPR, the Board proposed in the NPR to so identify four offices—the Executive Office of the Secretary of the Senate, the Office of Senate Security, the Senate Disbursing Office, and the Administrative Office of the Sergeant at Arms of the Senate. No comments were received regarding this proposal, and the final regulation will specifically identify these offices, pursuant to section 220(e)(2)(H), as section 220(e)(2) offices.

In response to comments received by the Board, the final regulation will also identify and include the following employing offices in the House of Representatives as performing ''comparable functions'' to those offices specified in section 220(e)(2) of the CAA: the House Majority Whip; the House Minority Whip; the Office of House Employment Counsel; the Immediate Office of the Clerk; the Office of Legislative Computer Systems; the Immediate Office of the Chief Administrative Officer; the Immediate Office of the Sergeant at Arms; and the Office of Finance.

As explained by one of the commenters, these offices have responsibilities and perform functions that are commensurate with those offices specifically listed in section 220(e)(2) or those offices identified in the proposed regulations. Thus, the duties and functions of the House Majority and Minority Whips are similar to the Offices of the Chief Deputy Majority Whips and the Offices of the Chief Deputy Minority Whips, which are expressly included in section 220(e)(2)(D). The

Office of House Employment Counsel was created, following the enactment of the CAA, to provide legal advice and representation to House employing offices on labor and employment matters; this office performs functions similar to those of the Office of the House General Counsel, which is included in section 220(e)(2)(E), and those of the Senate Chief Counsel for Employment, which is identified in section 220(e)(2)(C).

Similarly, the Immediate Office of the Clerk of the House performs functions parallel to those performed by the Executive Office of the Secretary of the Senate, which is treated as a section 220(e)(2) office under these final regulations. Both offices are responsible for supervising activities that have a direct connection to the legislative process. Likewise, the Immediate Office of the House Sergeant at Arms has duties that correspond to those of the Administrative Office of the Senate Sergeant at Arms. Both offices are charged with maintaining security and decorum in each legislative chamber.

The House Office of Legislative Computer Systems runs the electronic voting system and handles the electronic transcription of official hearings and of various legislative documents; these functions are similar to those functions performed by the Office of Legislative Operations and Official Reporters, both of which are listed in section 220(e)(2)(D).

The Immediate Office of the Chief Administrative Officer has responsibilities and performs functions that are comparable to those performed by the Executive Office of the Secretary of the Senate and the Administrative Office of the Senate Sergeant at Arms, which are treated as section 220(e)(2) offices under these final regulations. Similarly, the House Office of Finance, like the Senate Disbursing Office, is responsible for the disbursement of payrolls and other funds, together with related budget and appropriation activities, and therefore will be treated, pursuant to section 220(e)(2)(H), as a section 220(e)(2) office.

VI. 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 19th day of August, 1996.

GLEN D. NAGER,
Chair of the Board of Directors,
Office of Compliance.

Member Seitz, concurring: In section 220 of the Congressional Accountability Act (''CAA'' or ''Act''), Congress instructed the Board of Directors of the Office of Compliance (''the Board'') to issue regulations that provide Congressional employees with certain rights and protections of chapter 71 of Title 5 of the United States Code. Most significantly, Congress commanded that the regulations issued be ''the same as substantive regulations issued by the Federal Labor Relations Authority'' unless the Board determines either that modified regulations would more effectively implement the rights and protections of chapter 71 (section 220(e)(1)(A)) or that exclusion from coverage of employees in the so-called political offices is ''required'' because of a conflict of interest or appearance of conflict of interest or because of Congress' constitutional responsibilities (220(e)(1)(B)). The Board faithfully fulfilled its statutory duty: We conducted the rulemaking required under section 304 of the Act, adhering to the principles and procedures embodied in the Administrative Procedure Act, as Congress instructed us to do. We examined and carefully considered the comments received and—with the assistance of the experienced and knowledgeable Executive Director and Deputy Executive Directors of the Office—we independently collected and analyzed the relevant factual and legal materials. Ultimately, the Board determined that there was no legal or factual justification for deviation from Congress' principal command—that the regulations issued to implement chapter 71 be the same as the regulations issued by the Federal Labor Relations Authority. The regulations we issue today reflect that considered determination.

The dissent unfairly attacks both the Board's processes and its conclusion.

The dissent attacks the Board's processes by stating both that section 220(e)(1)(B) of the Act requires some kind of a different ''proactive'' rulemaking process and that ''the Board did not undertake to make an independent inquiry'' regarding the regulatory issues. As the preamble details, this attack is baseless. The Board conducted the statutorily-required rulemaking, a process which included substantial supplementation of the comments received with independent inquiry and investigation and the application of its own—and its appointees'—expertise.

The dissent's suggestion that the Board majority and the Board's appointees did not, in fact, do the spadework necessary to make the judgments made is both ungenerous and untrue, as it impugns the hard work and careful thought devoted to a sensitive issue by all concerned. And, indeed, the dissenters, like the Board majority, had access both to the publicly available materials that might have been relevant to the Board inquiry—such as job descriptions for various positions in Congress—and to legal and factual analyses generated by Board appointees.

To be sure, the Board would not approve *ex parte* factfinding contacts between Board members and interested persons in Congress during the rulemaking period in order to preserve the integrity of its rulemaking process. But neither the commenters nor the dissenting Board members have suggested *even one* additional fact that should have been considered by the Board. Accordingly, the dissent's attack on the Board's processes merely reflects the dissent's unhappiness with the Board's substantive determination. But, it is both wrong and unjust to accuse the Board of failing to engage in an appropriate *process* simply because the Board ultimately *disagreed* with those advocating substantial exclusions from coverage under section 220(e)(1)(B).

The dissent's attack on the substance of the Board's conclusion is similarly misguided. It makes no attempt to ground itself in law, and, in fact, ignores fundamental principles of statutory interpretation: First, in interpreting a statute one looks initially and principally to its language; here the statute authorizes exclusions from coverage only when ''*required*'' by the statutory criteria. Second, in interpreting a statute, the most relevant legislative history is that addressing the particular provision at issue; here what legislative history there is acknowledges that the substitution of chapter 71 for the National Labor Relations Act ensured the elimination of perceived problems with permitting employee organization in Congress and reveals that section 220(e)(1)(B) was inserted only to make that assurance doubly sure and not as a ''standardless license to roam far afield from . . . executive branch regulations.'' Third, in interpreting a statute, the broad purposes of legislation illuminate the meaning of particular provisions; here the Act in question was designed to bring Congress under the same laws that it has imposed upon private citizens. That purpose has already been diluted by Congress' application to itself of only the limited rights and protections of chapter 71, rather than the broader provisions of the National Labor Relations Act; it would be eviscerated altogether by broad exclusions from coverage of the sort the dissent would endorse.

Nothing in the comments received or in the independent investigation done by the Board suggests that broad exclusions of employees from the coverage of chapter 71 are ''required'' by conflicts of interest (real or apparent) or by Congress' constitutional responsibilities. As noted in the preamble, chapter 71, by application through the Act, broadly excludes numerous employees from coverage, narrowly confines the permissible arena of collective bargaining, and eliminates most of labor's leverage by barring strikes and slowdowns. There is nothing to fear here, unless one fears the (minimal) requirement that a Congressional employer and its employees communicate about terms and conditions of employment (or, at least those not set by statute) before the employer sets them. And the substantial limits that chapter 71 places on employee organization and collective bargaining fully protect Congress' ability to carry out its constitutional responsibilities and entirely prevent any employee conflicts of interest (real or apparent). While we agree with the dissent that Congress is an exceptional institution, that exceptionalism does not warrant a broad exception from the coverage of chapter 71; neither the dissent nor the Board has identified any constitutional reasonability or conflict of interest that chapter 71's provisions do not adequately address.

The Board's determination that no further regulations are ''required'' under section 220(e)(1)(B) does not render that section a nullity, as the dissent states. Nor does it indicate a ''disdain'' for regulatory resolutions. Section 220(e)(1)(B) does not require either regulations or exclusions; it requires a Board inquiry into whether any such exclusions by regulation are necessary. The Board has conducted such an inquiry and has made the statutorily-required determination. That determination is the result of principled statutory interpretation, factual investigation, and legal analysis.

It is, in fact, the dissent's position that would render a portion of the CAA a nullity, because it would insulate Members of Congress from direct experience with employees dignified by labor-relations rights and protections. The Board's position keeps the promise of the Congressional Accountability Act. If the language, legislative history, and fundamental purpose of that Act are to be directly contradicted, that decision is for Congress alone. Such a result cannot lawfully be achieved by Board regulation.

Member Lorber, joined by Member Hunter, dissenting in part:

''The Congressional Accountability Act (''CAA'') is one of the most significant legislative achievements of the Congress in many years. While its reach is peculiarly insular, covering only the employees of the Congress and designated instrumentalities of the Congress, its import is global. As the bipartisan

leadership of the Congress stated upon the CAA's enactment, this law brings home the promise first offered by Madison in the Federalist Papers that the Congress would experience itself the impact of the [employment] laws it passes and requires of all [employers].''

The CAA established an Office of Compliance within the Congress to operationally carry out the functions of the CAA. The CAA established an independent Board of Directors appointed by the Bi-Partisan Congressional leadership to supervise the operation of the Office, prepare regulations for Congressional approval and act in an appellate capacity for cases adjudicated within the Office of Compliance procedures. As noted by Senator Byrd when the CAA was debated, this tri-partite responsibility of the Board is somewhat unique. In the present rulemaking, the Board is acting in its role as regulator, not adjudicator.

Pursuant to the CAA, the Board was charged with conducting a detailed review of all existing Executive Branch regulations implementing eight labor laws, deciding which of those regulations were appropriate to be adapted for implementation under the CAA and then drafting them to conform with the requirements of the CAA. For the regulations issued and adopted to date and for *most* future regulations, the Board engaged or will engage in a notice and comment process which was modeled after similar procedures followed by the Executive Branch. For the regulations adopted prior to the current rulemaking, after the conclusion of the comment period and after its analysis of the comments, the Board promulgated final regulations formally recommended by its statutory appointees and submitted them for the consideration of Congress.

We believe that this background discussion is appropriate since we are here publishing our dissenting opinion regarding the preamble and recommendation regarding regulations to implement section 220(e)(1)(B) of the Congressional Accountability Act. We note that these proposed regulations also address the statutory inquiry required by section 220(e)(1)(A) of the Act which require the Board to modify applicable regulations issued by the Federal Labor Relations Authority for good cause shown, to determine whether the regulations adopted pursuant to section 220(d) will apply to the political offices listed in section 220(e) and regulations required by section 220(e)(2)(H) of the Act which requires the Board to determine if there are other offices which meet the standards of section 220(e)(2) so as to be included in the consideration required by section 220(e)(1)(B). We do not dissent from the Board's final resolution of these regulatory issues.

We do not undertake to issue this first dissent in the Board's regulatory function lightly. At the outset, the Board appropriately decided that it would endeavor to avoid dissents on regulatory matters. We felt then, and indeed do so now, that the public interest and the Congressional interest in a responsible implementation of the CAA required that the Board work out, in its own deliberative process, differences in policy or procedure. While the issues there addressed were and are some of the most contentious employment issues in the public debates, the Board and staff worked through the issues with a remarkable degree of unity and comity.

However, in enacting the Congressional Accountability Act, the Congress included one section that differs from all others in its requirements of the Board and in its process of adoption. Indeed, unlike any other substantive provision of the CAA, this section finds no parallel in the published regulations of the Executive Branch. Section 220 of the CAA, which adopts for Congressional application the relevant sections of the Federal Labor Relations Act contains within its subsections 220(e)(1)(B) and (e)(2), which deal with the application of the FLRA to the staff of Congressional personal offices, committee offices and the other offices listed in section 220(e)(2), (''the political offices'').

Section 220(e)(1)(B) of the Act requires the Board to undertake its own study and investigation of the impact of covering the employees in the political offices and determine itself, as a matter of first impression and after its own inquiry, whether such coverage of some or all of those employees would create either a constitutional impediment or a real or apparent conflict of interest such as to require the Board to exempt from coverage, by regulation, some or all of those employees or some or all of the positions employed in the political offices. Due to the speed of enactment, and apparently because the CAA culminated a protracted period of prior debate by previous Congresses on this issue, neither the statute nor any accompanying explanations provided specific guidance as to the method and procedure the Board was to follow in reaching its 220(e)(1)(B) recommendations.

The section in question contains two separate requirements for the Board. Section 220(e)(1)(A) repeats the standard for all other Executive Branch Regulations that the Board may, for good cause shown, amend the applicable FLRA regulations as applied to the Congress. As previously noted, we join the Board's resolution of this section. However, unique to the CAA, section 220(e)(1)(B) requires of the Board that it independently review the coverage question for the political offices enumerated in section 220(e)(2) in order to determine if the Board should, by regulation, recommend that some or all of the employees of those offices be excluded from coverage. This exclusion from coverage merely means that the Board has determined that certain positions be exempted from inclusion in bargaining units for the statutory reasons set forth in section 220(e)(1)(B). The other applicable exemptions found in the FLRA and noted by the majority are unaffected by section 220(e)(1)(B). Thus, reference to the applicability of those exemptions may have been necessary to respond to certain commenters but are irrelevant for these purposes. Again, unlike any other regulation proposed by the Board, the 220(e) regulations will not take effect until affirmatively voted on by each House of Congress. It should be noted that the 220(d) regulations governing application of the FLRA to Congressional employees not working in the 220(e)(2) political offices are not affected by this enactment requirement. This requirement was necessary in part because there are no comparable Executive Branch regulations which will come into effect in the absence of Congressional action. Thus, the Congress must exercise greater oversight in reviewing these regulations because there is no preexisting regulatory model against which to compare the Board's decision. By requiring this independent analysis, the Congress clearly intended for the Board to investigate these issues in a manner different from the passive or limited review as defined by the majority.

Faced with this novel requirement, the Board attempted to fashion a means of addressing this issue which would continue its practice of ensuring fair, prompt and informed consideration of regulatory issues. The majority adopted as its guide the process heretofore followed by the Board in its previous regulatory actions in the standard notice and comment manner. Its methodology was apparently modeled after its belief that the Administrative Procedure Act (''APA'') is either directly incorporated into the CAA or that the reference to the APA in section 304 binds the Board in a way so as to preclude it functioning in a normal and accepted regulatory manner. Of course, if the majority does not now assert that its analysis is constrained by its restrictive interpretation of the APA, then we are in some doubt about the majority's stated reason for its passive review of written comments and failure to undertake any examination on its own of the issues here before us.

The Board attempted to frame the 220(e)(1)(B) issue broadly enough to encourage informed comment by the regulated groups. It responded to the comments received by proposing a regulatory scheme (in this case a decision not to issue any 220(e)(1)(B) regulations), and it elicited comments on the proposed regulations after which it reached the decision published today. The undersigned members believe, however, that section 220(e)(1)(B) charged the Board with a different role. We believe that the Board had the obligation to direct its staff and that the staff itself with independent obligations to each respective House of Congress had to undertake a more involved role. We believe that the uniqueness of this statutory provision required the Board to be proactive in its approach and analysis. Indeed by its very inclusion in the statute, and the requirement that the Congress affirmatively approve of its resolution, section 220(e)(1)(B) indicated a concern on behalf of the entire Congress that potential unionization of the political employees of the political offices in the Congress might pose a constitutional or operational burden (as defined by a conflict or apparent conflict of interest) on the effective operations of the legislative branch. Whatever the individual views of any Board member regarding this section, we believe that our responsibility is to effectuate the intent of the Congress as reflected in the Statute.

Response to the Board's initial invitation for informed input was not substantial. However, after the Notice of Proposed Rulemaking was published, substantial comments were received. In fact, the Board made special efforts to elicit comments and even briefly extended the comment period to accommodate interested parties who could offer assistance. By the end of the process, the Board did receive comments from most of the interested Congressional organizations. It received only one comment from a labor organization during the ANPR period and a separate letter during the NPR period in which the labor organization indicated that it reaffirmed its opposition to a total exemption of the political offices employees. The quality and informative content of the comments received are subject to differing views. The majority of the Board apparently believes that the comments were not particularly helpful or informative. We can only reach this conclusion by noting that the Board took pains to disclaim the substance and import of the comments received except apparently to credit substantive weight to the sole comment urging that the Board refuse to exercise its authority under 220(e)(1)(B). We believe, on the other hand, that the substantive comments did articulate a cogently expressed concern about the coverage of the employees in question and the disruptive effect a case by case adjudicatory process would have on the activities of the Congress. In any event, the section of the statute here in question *requires* the Board to move its inquiry beyond the written submissions.

Unfortunately, the Board did not undertake to make independent inquiry regarding these questions or to engage in inquiry of Congressional employees or informed outside

experts. Rather, the Board continued its nearly judicial practice by which it analyzed the comments as submitted and neither requested follow up submissions nor conducted any independent review. Contrary to the majority's opinion, the undersigned believed that the submitted comments were helpful in indicating areas of concern and setting forth possible methods of addressing this issue. And in any event, under the majority's own standards, the lack of *any* substantive comments supporting the majority's ultimate conclusion is telling.

In the type of insulated analysis undertaken by the Board, where it relies so heavily upon submitted comments, we find it curious that the majority apparently adopted a position that it was only the obligation of those supporting a full or partial exclusion under section 220(e)(1)(B) to persuade the Board and that those opposing such exclusion can rely upon the Board's own analysis. We believe that the Board was charged with a different task and that it had to reach its own conclusions unanchored to the quality or inclusiveness of the comments. The undersigned relied, in addition, on our own understanding of the responsibilities of the Congress and the various offices designated for consideration, the criteria set forth for decision in the Statute, and our own experience. We believe that the Board's deliberations were hampered by its constricted view of its role and by not undertaking its own investigative process so as to better understand the tasks generic to the various Congressional job titles in the political offices.

The Board's discussions were detailed and frank. They were carried out in a professional and collegial manner. Various formulations of resolution were put forth by various commenters and the dissenters, including regulatory exemption of all employees, regulatory exemption of employees with designated job titles, regulatory exemption of all employees deemed to be exempt as professional employees under section 203 of the Act (the FLSA) and other regulatory formulations. We believed that the statute did not give the Board the discretion to set its analytical standards so high as to make a nullity of section 220(e)(1)(B). Indeed, we believe that the statute legally compelled the Board to undertake efforts to give meaning to the exemptions. The majority has been resistant to any formulation which would apply the 220(e)(1)(B) regulatory exemption. The result of the Board's deliberations are found in the proposed 220(e)(1)(B) regulations (or lack thereof) and the explanatory preamble.

We dissent from this resolution for several reasons. As set forth above, we believe that the Board was charged with a different and unique role. In this case, the credibility of the Board's response to section 220(e)(1)(B) demanded a proactive, investigatory effort under the authority of the Board which we believe simply did not occur. The majority, as expressed in the preamble, relied instead upon past precedents and concepts which we believe inapplicable or at least not determinative of the complex issue raised by 220(e)(1)(B). Indeed, as discussed below, its limited view of the leeway regulators have to interpret their statutes so as to give meaning and substance to Congressional enactment mars this entire process. We note, for example, the majority's reliance on *In re Department of Labor, Office of the Solicitor and AFGE Local 12*, 37 F.L.R.A. 1371 (1990), for its discussion of ''confidential employees'' and for other purposes. While this case may be pertinent if that issue comes before the Board in an adjudicatory context, we fail to see its relevance when the statute commands the Board to view the issue of unionization of *politically appointed* employees who work in *political offices* in the legislative body under separate and novel standards. Indeed, as we noted above, the standard statutory exemptions for professional or confidential employees are simply irrelevant to this discussion. Thus, in the case relied upon so heavily by the majority, we would simply note that Labor Department attorneys are, like the vast majority of federal employees covered by the FLRA, career civil servants who must conduct their professional activities in a nonpartisan environment. We believe that the conflict or apparent conflict of interest implicated by each workplace environment and type of employee is different. Politically appointed employees in political offices are under different constraints.

We note as well that the majority looked to private precedent decided under the National Labor Relations Act for guidance. If the majority believes that NLRB precedent is of assistance to our deliberations, we too would look to applicable NLRB precedent for guidance. Apparently faced with a growing caseload and inconsistent decisions by the appellate courts, the NLRB undertook in 1989 to decide by formal rulemaking the appropriate number of bargaining units for covered health care institutions. At the conclusion of this rulemaking process, the NLRB decided that in the absence of exceptional circumstances defined in the regulation, see 29 CFR §130.30 (1990), eight bargaining units would be appropriate. This rulemaking was challenged on several grounds including citation to §159(b) of the NLRA which appears to state that the NLRB should establish appropriate bargaining units in *each case* (emphasis added). However, in *American Hospital Association* v *NLRB* 499 US 606 (1991), a unanimous Supreme Court rejected the view that the NLRB was constrained from deciding any matter on the basis of rulemaking and was compelled to decide every matter on a case by case basis. The Court cited its precedents in other statutory cases for the proposition that a regulatory decision maker ''has the authority to rely on rulemaking to resolve certain issues of general applicability unless Congress clearly expresses an intent to withhold that authority.'' 499 US 606, 612. (citations omitted.) In our statute, the Congress has clearly stated its preference for a regulatory resolution. Indeed, the Court cited with approval the following from Kenneth C. Davis, described by the Court as ''a noted scholar'' on administrative law: ''[T]he mandate to decide 'in each case' does not prevent the Board from supplanting the original discretional chaos with some degree of order, and the principal instruments for regularizing the system of deciding 'in each case' are classifications, rules, principles, and precedents. *Sensible men could not refuse to use such instruments and a sensible Congress would not expect them to.*'' (emphasis added.) 499 US at 612.

We see absolutely nothing in the CAA which nullifies this observation. The majority finds statutory constraints where we find statutory encouragement to act in the manner of ''the sensible man'' as defined by Davis and relied upon by the Supreme Court. To the extent other similar experience is relevant, we would look to the fact that the Board was informed that no state legislative employees are included in unions even in states which otherwise encourage full union participation for their own public employees. Unfortunately, the majority neglected to analyze the relevance of this fact.

The preamble reflects the majority's belief that it was constrained to act only upon the public rulemaking record. We believe that this analytical model is flawed. The Board cites the reference to the Administrative Procedure Act in section 304 of the Act as implicitly signaling that the Congress somehow incorporated that Act's procedural requirements into the CAA. The majority's view overstates the statutory reality. Most simply, the statutory reference does not command slavish adherence to a formalistic APA inquiry. While APA procedures are certainly good starting points for any rulemaking process, its intricacies and judicial interpretations cannot be deemed binding on the CAA process. Indeed, with respect to most of our regulatory activities, the statute places additional limitations on the Board's discretion and inquiry far more limited than that permitted by the APA. Particularly with regard to section 220(e)(1)(B), the statute clearly places different responsibilities and procedural requirements on the Board. The majority erred in adopting its passive analytical role.

But perhaps more importantly, we believe that the Board's understanding of the appropriate response by regulators to Rulemaking obligations is seriously constricted. Rulemaking never required a hermetically sealed process in which the decision makers sit in a judicial like cocoon responding only to the documents and case before them. Since this Board has disparate functions, it must adapt itself to the specific role rather than bind itself to a singular method of operation, particularly when the issue in question calls for a unified decision and guidance rather than the laborious and time consuming process inherent in case by case resolution. And in any event, as it has evolved, modern rulemaking encourages active participation by regulatory decision makers in the regulatory process, including staff fact finding and recommendation, contacts with involved parties so that all information is obtained and other independent means of acquiring the information necessary to reach the best policy decision. There is no requirement that regulatory decision makers be constrained solely by written submissions which are subject to the expository ability of the commenters rather than the actual facts and ideas they wish to convey. Indeed, while every other regulatory responsibility of this Board is limited to merely reviewing existing federal regulations, in this one area the statute demands that the Board act proactively on a clean slate. This the Board did not do.

We note as well the majority's equation of the Executive Branch functions with the legislative process of the Congress in its citations to past FLRA cases and in its general analysis. We frankly find this comparison to be without any legal or constitutional support. The two branches have wholly different functions. While the Executive Branch has officials who obviously interact with the Congress, their role is not the same as legislative employees who directly support the legislative process in the political offices and institutions of the Congress. Perhaps it should be noted with some emphasis that *advocacy before the Congress is not the same as working in the Congress.* Thus, it is simply wrong to suggest, as the majority does, that Executive Branch employees perform legislative functions. Or that the Board is somehow bound, in this instance, to mutely follow the holding of one FLRA case which addressed the bargaining unit status of government attorneys employed to interpret and enforce a host of laws directed at employment issues, the vast majority of which have absolutely nothing to do with labor management issues. The issue before us requires a sufficient knowledge of Congressional staff functions, responsibilities and relationship so that the statutorily required determination will be meaningful.

We wish to comment on the majority's apparent reluctance or disdain for at least a partial regulatory resolution of this issue.

Case by case adjudication of individual factual issues may well be the best means of assuring procedural due process as well as fundamental fairness to the parties involved. The history (until recently) of labor management enforcement had shown a reluctance for regulatory resolution of labor management issues and opted instead for case by case resolution. However, the decisions by the NLRB and the Supreme Court in the *American Hospital Association* case and more recent efforts by the NLRB to engage in more extensive rulemaking indicates that even in the labor-management arena, in which we find ourselves, there is a recognition that regulatory resolution of global issue requiring resolution is often preferable to time consuming and expensive case by case litigation. We share the concern of some of the commenters that a process of adjudicatory resolution, regardless of the efficient manner in which it may be conducted by the Office of Compliance, is time consuming and subject to delay. To add to this, we note that the Board is a part time body whose members must pursue their professional activities as well as serve in the capacity of Board Member. The Board has justified its refusal to issue advisory opinions on other interpretative matters in part on its resource limitations. We agreed with that decision. We merely think it appropriate that the implications and rationale of that decision be applied to the matter before us.

Cognizance must also be taken of the fact that the offices and employees at issue here are transient. In some instances, the entire composition of an employing office may change every two years. We understand that employment in the positions at issue is often not considered a career opportunity but rather represents a period in the professional life of such an employee where they devote their energy and ability to a public pursuit before embarking on their private careers. We point out that case by case adjudication of the eligibility of various employees of various employing offices to be included within collective bargaining units may not be resolved until the employee or the office itself is no longer part of Congress. Thus, while the coverage issue is litigated on a case-by-case, employee-by-employee basis, final resolution of the underlying representational issue is delayed. In a body such as Congress where time pressures are intense and uneven, the inherent disruption and confusion attendant to such uncertainty is highly unfortunate. We believe that the Congress recognized this dilemma by including section 220(e)(1)(B) in the statute. In addition, we look to the impact on employees in those offices who may nevertheless be eligible to join a union if their positions are otherwise not deemed exempt under whatever formulation and note that their statutory rights will be denied because of the insistence on treating this issue as merely another adjudication.

We finally must address one argument put forward by the Board that suggests that since Congressional employees are apparently free to join, in their private capacity, whatever organizations they wish such as the Sierra Club, the National Right to Work Committee, or NOW, (but see section 502(a) of the CAA), distinguishing between these activities and union membership or ceding authority to the collective bargaining representative represents an unfair discrimination against unions in violation of the FLRA. While of some obvious surface appeal, this argument is entirely frivolous. We must observe that there is one salient difference between those organizations and the labor representation we are here discussing. The organizations cited by the majority *do not* represent the employees for the purpose of their employment and working conditions. They have no official status regarding the working relationships and responsibilities of their members. In contrast, the major purpose of labor organizations, aside from their historical and active participation in the political process, is to represent bargaining unit employees with respect to the terms and conditions of their employment as permitted by law. In the case of the FLRA, once a union is the certified bargaining representative, it represents the employee regardless of whether the employee is a member of the union or not. Thus, the reference to other organizations is of absolutely no relevance to issues being decided today and, in fact, raises issues not before us now and not even within the scope of the CAA.

For at least the reasons set forth above, we must dissent from the Board's decision regarding Section 220(e)(1)(B) regulations and the explanation for that decision set forth in the Preamble to the final regulation. We emphasize that this dissent should not be deemed as precedent for future divisions of the Board. We cannot emphasize enough the unique requirements of section 220(e)(1)(B). Indeed, the statute itself recognizes this distinction by treating employees of the instrumentalities in a wholly different manner than employees of the 220(e)(2) offices. The Board has spent extensive time reviewing this issue. The majority comes to its conclusions backed by its view of the historical treatment of labor management issues and its belief that its scope of review is limited. In short, the Board adopted an unjustified stance regarding its legal authority and self-perceived constraints in the statute. We believe, however, that precedent and our statute command a different treatment. We also believe that the majority ignores the modern developments in regulatory issues. Thus, in view of the explanations offered in the preamble and the decisions reached by the majority, we regretfully believe those decisions to be wrongly considered and wrongly decided.

We add a brief coda to our dissent to simply respond to our colleagues who apparently feel that their lengthy preamble insufficiently set forth their views. We begin by apologizing to the Congress by burdening it at this extraordinary time in the second session of the 104th Congress with these arcane arguments regarding the meaning of the CAA, or PL 104–1. Indeed it is precisely this time constraint which partially drives our concern over the majority's action. We have no doubt that cannery workers, construction workers or sales persons have time constraints. So do health care workers. The Congress will have less than thirty days to complete this session. Critical public business must be completed. These are the time pressures inherent in the Congress which find little parallel in other workplace environments. We respectfully question whether section 220(e)(2) employees are the same as the aforementioned employees, or indeed Executive Branch employees who must perform their critical public business of administering or enforcing the laws Congress passes over a normal full year time span. To underscore our comments in the dissent, our colleagues surely understand the constitutional difference between Article I employees and Article II employees and the constitutionally different responsibilities assigned to each.

Our colleagues suggest that we did not read or misunderstood the wealth of materials gathered during the six month period this issue has been before us. While we applaud the majority's acknowledgement now expressed that it must go beyond the submitted comments, we confess not having had the privilege of knowing that these materials existed. But of much more importance, if these materials existed and were of such weight in the majority's consideration, then its own articulately stated view of the statutory obligations of notice and comment should have required that this information be described and listed in the various notices so that the commenters could fairly respond and argue how this information impacted their comments. It wasn't.

We respectfully submit that our colleagues misconstrue the discussion regarding the *American Hospital Association* case. Our point was not to laud the NLRB or even our Deputy Executive Director, which we surely do. Rather it was to suggest that the Supreme Court precedent involving both labor-management laws and regulatory flexibility did provide the guidance and legal authority we understand our colleagues to be searching for. We particularly note that the Court there apparently considered the observations of an administrative law scholar regarding the need to impute into every statute establishing regulatory authority the obligation of sensible interpretation as being as of much or even more precedential weight as the prior decisions of that Court.

Too much has been written on this issue. We hope that the Congress does devote some time to considering the recommendation being sent to it by the Board of the Office of Compliance. If this dissent has some resonance, perhaps the Congress might consider returning it to the Board with some guidance as to its intentions regarding the factors to be considered and methodology to be followed by the Board in reaching its recommendations.

ADOPTED REGULATIONS

§ 2472 Specific regulations regarding certain offices of Congress

§ 2472.1 Purpose and scope

The regulations contained in this section implement the provisions of chapter 71 as applied by section 220 of the CAA to covered employees in the following employing offices:

(A) the personal office of any Member of the House of Representatives or of any Senator;

(B) a standing select, special, permanent, temporary, or other committee of the Senate or House of Representatives, or a joint committee of Congress;

(C) the Office of the Vice President (as President of the Senate), the Office of the President pro tempore of the Senate, the Office of the Majority Leader of the Senate, the Office of the Minority Leader of the Senate, the Office of the Majority Whip of the Senate, the Office of the Minority Whip of the Senate, the Conference of the Majority of the Senate, the Conference of the Minority of the Senate, the Office of Secretary of the Conference of the Majority of the Senate, the Office of the Secretary of the Conference of the Minority of the Senate, the Office of the Secretary for the Majority of the Senate, the Office of the Secretary for the Minority of the Senate, the Majority Policy Committee of the Senate, the Minority Policy Committee of the Senate, and the following offices within the Office of the Secretary of the Senate: Offices of the Parliamentarian, Bill Clerk, Legislative Clerk, Journal Clerk, Executive Clerk, Enrolling Clerk, Official Reporters of Debate, Daily Digest, Printing Services, Captioning Services, and Senate Chief Counsel for Employment;

(D) the Office of the Speaker of the House of Representatives, the Office of the Majority Leader of the House of Representatives, the Office of the Minority Leader of the House of Representatives, the Offices of the Chief Deputy Majority Whips, the Offices of the Chief Deputy Minority Whips, and the following offices within the Office of the

Clerk of the House of Representatives: Offices of Legislative Operations, Official Reporters of Debate, Official Reporters to Committees, Printing Services, and Legislative Information;

(E) the Office of the Legislative Counsel of the Senate, the Office of the Senate Legal Counsel, the Office of the Legislative Counsel of the House of Representatives, the Office of the General Counsel of the House of Representatives, the Office of the Parliamentarian of the House of Representatives, and the Office of the Law Revision Counsel;

(F) the offices of any caucus or party organization;

(G) the Congressional Budget Office, the Office of Technology Assessment, and the Office of Compliance; and

(H) the Executive Office of the Secretary of the Senate, the Office of Senate Security, the Senate Disbursing Office, the Administrative Office of the Sergeant at Arms of the Senate, the Office of the Majority Whip of the House of Representatives, the Office of the Minority Whip of the House of Representatives, the Office of House Employment Counsel, the Immediate Office of the Clerk of the House of Representatives, the Immediate Office of the Chief Administrative Officer of the House of Representatives, the Office of Legislative Computer Systems of the House of Representatives, the Office of Finance of the House of Representatives and the Immediate Office of the Sergeant at Arms of the House of Representatives.

§ 2472.2 Application of chapter 71

(a) The requirements and exemptions of chapter 71 of title 5, United States Code, as made applicable by section 220 of the CAA, shall apply to covered employees who are employed in the offices listed in section 2472.1 in the same manner and to the same extent as those requirements and exemptions are applied to other covered employees.

(b) The regulations of the Office as set forth at sections 2420–29 and 2470–71, shall apply to the employing offices listed in section 2472.1, covered employees who are employed in those offices and representatives of those employees.

RETIREMENT OF DELAWARE STATE SENATOR RICHARD S. CORDREY

Mr. BIDEN. Mr. President, there are moments in the history of every legislative body when the members, and the public, are forcefully reminded that the achievements of the body as a whole have depended significantly upon the skills and the leadership of a single individual. One of those moments has arrived for the Delaware State Senate with the decision of State Senator Richard S. Cordrey not to seek reelection in 1996, after 30 years of public service.

That his colleagues have long recognized his outstanding personal qualities is made clear by the fact that for 24 of those 30 years, Senator Cordrey has served as president pro tempore of the Delaware Senate—an exceptional tenure in that office that is unrivaled in Delaware's history or among his counterparts in other States. As no one knows better than those of us who serve in the U.S. Senate, such extended recognition of legislative leadership is a certain sign of a rare and enduring trust, and Senator Cordrey's legislative record demonstrates why he has been for so long accorded that trust—fully 80 percent of the bills he has introduced in the Delaware Senate have been passed by both houses of the Delaware General Assembly and signed into law by one of the five Delaware Governors who have held office since Senator Cordrey first entered the Delaware Senate. I doubt that any of us here, or any of our predecessors in this Senate could claim equivalent legislative success.

A major legacy of that success is Delaware's Rainy Day Fund that sets aside 2 percent of the state's revenues in a fund that can be called upon in the event of a devastating economic recession. Delaware's thriving economy and its solid reputation on Wall Street can be largely attributed to that Cordrey-led initiative in fiscal responsibility. He demonstrated similar economic insight and leadership in shepherding through the general assembly in the 1980's Delaware's landmark Financial Center Development Act and related legislation which has expanded Delaware's thriving financial-services sector and given the State's economy a major boost.

But the hallmark of Richard Cordrey's leadership of the Delaware State Senate has been his character and personality—an honest and affable man with a set of well-defined personal values and an adamant integrity who could nevertheless create bipartisan consensus out of legislative chaos. A Republican colleague, State Senator Myrna Bair, has said of Cordrey, a Democrat, ''He had a way of promoting what he believed while allowing others to vote their way with no hard feelings;'' and a Democratic colleague, State Senator Thurman Adams, has said, ''He always spoke what he thought was the truth. He took time with people, and they developed tremendous trust in him. His word was his bond.''

Mr. President, no legislature would willingly say good-by to a leader who consistently demonstrated such qualities over a quarter-century, and the Delaware State Senate will miss the steady hand of Richard Cordrey at the helm, as will the people of Delaware—but he has chosen to retire from office with the same firmness that characterized him in office and, knowing Delaware will benefit far into the future from the body of law and the style of leadership he has created, we Delawareans all wish him well as he returns to private life.

RETIREMENT OF THOMAS R. VOKES FROM THE U.S. MARSHALS SERVICE

Mr. SPECTER. Mr. President, on August 31, 1996, while the Senate was in recess, Thomas R. Vokes retired from the U.S. Marshals Service after a distinguished law enforcement career of 33 years, including 26 years with the Marshals Service.

Mr. Vokes was born and raised in Clearfield, PA. He attended the public schools there through high school. In 1963, he embarked on what proved to be a most distinguished career in law enforcement when he joined the Washington, DC, Metropolitan Police Department as a police officer.

In 1966, Mr. Vokes joined the Federal service by becoming a White House police officer, a predecessor to today's Uniformed Division of the Secret Service. Four years later, Mr. Vokes joined the U.S. Marshals Service, the agency from which he just retired.

Upon joining the Marshals Service, Mr. Vokes returned to Pennsylvania as a deputy U.S. marshal for the Middle District of Pennsylvania. Five years later, in 1975, Mr. Vokes became a supervisory deputy marshal in the Middle District. In 1980, Mr. Vokes was promoted and moved to California to become a court security inspector. He received a court appointment to serve as the U.S. marshal for the Central District of California, one of the Nation's largest Federal judicial districts, in January 1981 and served until March 1982.

Upon completing his term as U.S. marshal in Los Angeles, Mr. Vokes returned to Pennsylvania and served as chief deputy U.S. marshal, the senior career position, in the Middle District of Pennsylvania for 2 years. After additional service as chief deputy U.S. marshal in North Dakota, Mr. Vokes returned once again to Pennsylvania in 1991, having been appointed by the Attorney General to serve as the U.S. marshal for the Eastern District of Pennsylvania, based in Philadelphia.

It was in this capacity that I came to know Mr. Vokes. As the U.S. marshal for the Eastern District of Pennsylvania, Mr. Vokes was widely recognized and esteemed by Federal, State, and local law enforcement agencies and by the Federal courts for his effective leadership and management of the functions of the Marshals Service in the district. I knew the security of the Federal courts in Philadelphia was in good hands when Marshal Vokes was at the helm.

In March 1994, Marshal Vokes left Philadelphia and returned to Washington, where he had started his law enforcement career, to serve as the chief of the Marshal Service's Prisoner Operations Division, managing the agency that ensures that Federal prisoners awaiting trial show up in court at the appointed time. It was from this position that Marshal Vokes just retired.

If the measure of the man is the trust reposed in him, Marshal Vokes has been highly respected throughout his career. Twice he was selected to serve as chief deputy U.S. marshal, the senior career position in the Marshals Service. And twice he was selected to serve as the U.S. marshal in two of the Nation's largest and busiest judicial districts, Los Angeles and Philadelphia. Finally, he ended his career in charge of one of the operational divisions of the entire Marshals Service.

Too often we in Congress fail to recognize publicly the thousands of dedicated civil servants like Marshal Vokes who carry out the laws that we adopt. I am pleased to honor Marshal Vokes for his dedication to our Nation and its people. He is one of Pennsylvania's finest, and we have been honored to share his talents with the rest of the Nation. I know all my colleagues join me in wishing Marshal Thomas R. Vokes all the best in his retirement.

NOMINATION OF CONGRESSMAN PETE PETERSON TO BE AMBASSADOR TO VIETNAM

Mr. THOMAS. Mr. President, I come to the floor today as the chairman of the Subcommittee on East Asia and Pacific Affairs of the Foreign Relations Committee to outline for my colleagues a decision that I and the distinguished full committee chairman Mr. HELMS have made to postpone the nomination hearing of Congressman DOUGLAS ''PETE'' PETERSON to be Ambassador to the Socialist Republic of Vietnam (SRV).

At the outset let me say, as I did to Congressman PETERSON yesterday, that the reason for the postponement—and I will address this in greater detail in a moment—is the White House's failure to meet the constitutional requirements for the nomination; it has nothing to do with PETE PETERSON as a nominee. If the White House had avoided this oversight, we could have moved ahead with this nomination—a nomination I believe most of the committee would support—without all the fits and starts and delays.

The President nominated Congressman PETERSON for the position of Ambassador to the SRV on May 23, 1996. His file was received by the full committee in June and was finally complete and ready for consideration by the committee on June 25. The full committee scheduled a confirmation hearing on the Peterson nomination and three others for July 23, which I was to chair in my capacity as chairman of the subcommittee of jurisdiction. However, because of a series of conflicts with the Senate schedule, the hearing had to be postponed twice; first to July 29 and then to September 5, after the August recess.

But at the same time this series of postponements was taking place, the distinguished Senator from North Carolina [Mr. HELMS] and I were growing concerned over a legal issue which had come to our attention regarding to the nomination. On July 17, our legal staffs informed us that a provision of the Constitution might preclude Congressman PETERSON from serving as Ambassador. We contacted the White House, and asked for a detailed clarification of the issue from them. At the same time, we asked the Office of Senate Legal Counsel [SLC] to provide us with their opinion. Mr. Jack Quinn, Counsel to the President, provided us with a letter outlining the administration position on July 22; their legal opinion from the Office of Legal Counsel [OLC] at the Department of Justice followed after the close of business on July 26. The SLC opinion was delivered to us the same day.

After carefully reviewing the opinions of the OLC and the SLC over the August recess, and the legal authorities cited in them, we have concluded that the constitutional issue requires us to postpone Congressman PETERSON's nomination hearing until January next year in order to meet the requirements of the Constitution.

Mr. President, article I, section 6, clause 2 of the U.S. Constitution provides in part:

> No Senator or Representative shall, during the Time for which he was elected, be appointed to any civil Office under the Authority of the United States, which shall have been created, or the Emoluments whereof shall have been increased during such time. . . .

In other words, this provision of the Constitution—called the ineligibility clause—prohibits a Member of Congress from being appointed to a civil position in the Government which was created, or for which there was a salary increase, during that Member's term of office.

The first time the ineligibility clause arose as an issue was during the Presidency of George Washington; the second was during the administration of President Arthur. In both cases, the President's interpreted the provision literally and it was concluded that the Constitution prohibited even the nomination of a Member of Congress to an office created during his term—thus equating nomination with appointment. As President Arthur's Attorney General stated:

> It is unnecessary to consider the question of the policy which occasioned this constitutional prohibition. I must be controlled exclusively by the positive terms of the provision of the Constitution. The language is precise and clear, and, in my opinion, disables him from receiving the appointment. The rule is absolute, as expressed in the terms of the Constitution, and behind that I can not go, but must accept it as it is presented regarding its application in this case.

Under a literal reading, then, Congressman PETERSON cannot be even considered for the nomination until after January 3, 1997—the expiration of his present term. It would seem to me that if President Washington found a nomination similar to Congressman PETERSON's void from the outset because of the ineligibility clause, that reasoning should be good enough for the Clinton administration.

Even if we assume for the sake of argument that a literal construction of the clause is not warranted here—and that we have to determine exactly which act or series of acts constitutes an appointment under the clause—an examination of the facts in Congressman PETERSON's case yields the same conclusion. It has been argued that some precedent exists to support the conclusion that appointment requires both the acts of nomination and of confirmation by the Senate. For example, in Marbury versus Madison, Chief Justice Marshall wrote:

> These . . . clauses of the Constitution and laws of the United States which affect this part of the case [governing the appointment of U.S. marshals] . . . seem to contemplate three distinct operations:
>
> 1. The nomination. This is the sole act of the President, and is completely voluntary.
>
> 2. The appointment. This is also the act of the President, and is also a voluntary act, though it can only be performed by and with the advice and consent of the Senate.
>
> 3. The commission. To grant a commission to a person appointed might, perhaps, be deemed a duty enjoined by the Constitution. ''He shall,'' says that instrument, ''commission all the officers of the United States.''
>
> The acts appointing to office, and commissioning the person appointed, can scarcely be considered as one and the same; since the power to perform them is given in two separate and distinct sections of the Constitution.

Although that case is not controlling in the Peterson situation because it did not involve the ineligibility clause, assuming that it governed here would still preclude our taking up the Congressman's nomination before the expiration of his present term. Under the reasoning of Marbury, Congressman PETERSON would be appointed within the meaning of the ineligibility clause at the time the Senate were to give its advice and consent. Given the facts of his case, it would be unconstitutional for this body to confirm the Congressman by a floor vote prior to the next Congress.

Moreover, Chairman HELMS and I consider the nomination hearing to be an integral part of the process of advice and consent. It is, after all, the only time that the Senate as a body—through its Foreign Relations Committee—has a chance to personally examine and question the nominee and his qualifications for office. The committee then prepares a written report urging the full Senate to a particular course of action in voting for or against the nomination. We would, therefore, consider it constitutionally inadvisable to proceed with a hearing on a constitutionally ineligible nominee such as in this case until January next year—when the constitutional issue is no longer a problem.

Next, Mr. President, we must consider whether the office of ambassador is a ''civil office of the United States'' and thus is governed by the clause. The OLC opinion contends that ''there is a difficult and substantial question'' whether it is a civil office, and that the only precedent it could find ''assum[ed] (without discussion) that it should be considered to be such an office. In accordance with that precedence [sic], we shall assume here, without deciding, that the Ambassadorship to Vietnam would be a 'civil Office' within the meaning of the ineligibility clause.'' While the OLC opinion thus concedes

the point for purposes of this particular argument, I believe that an examination of the history of the ineligibility clause, as well as the nature of the office itself, clearly establishes that it is a civil office contemplated by the provision.

The early drafts of what became the ineligibility clause did not limit the prohibition to civil office, but encompassed all offices of the United States. During the debates at the Constitutional Conventions, however, the Framers came to realize the danger in having the clause prohibit what might be some of the most able military men in the country from serving in the Armed Forces in time of war. Many officers from the Continental Army had become Members of Congress; if a war had broken out, the fledgling country would have been deprived of much of its officer corps because the then-proposed ineligibility clause would have prevented their joining until the expiration of their respective terms of office. So the adjective ''civil'' was added, to distinguish it from the military. This is in line with the dictionary definition of civil: ''of ordinary citizen or ordinary community life as distinguished from the military or ecclesiastical.'' So as contemplated by the Framers, an ambassadorship is clearly ''civil'' in nature.

Similarly, an ambassadorship is clearly a Federal office, as that term is defined both in law and practice. For example, in United States versus Hartwell, the Supreme Court stated that ''a[] [Federal] office is a public station, or employment, conferred by the appointment of government. The term embraces the ideas of tenure, duration, emolument, and duties.'' Ambassadors are appointed by the President, and serve for the duration of a President's term or until they retire or are reassigned; they are paid from the Treasury; and they have a well-defined and customary series of duties they perform—all the criteria of a Federal office.

I would also note that article II, section 2 of the Constitution declares that ''the President shall nominate, and . . . shall appoint ambassadors . . . and all other officers of the United States.'' Note, Mr. President, the use of the term ''all other.'' This infers that ambassadors are part of the class of ''officers of the United States.'' In view of these facts, it can hardly be argued that an ambassadorship is not a civil office of the United States, and thus falls within the clause's prohibition.

Finally, Mr. President, the ineligibility clause requires us to determine whether the office of Ambassador to the SRV is one which was created during the Congressman's term of office. As I previously mentioned, Representative PETERSON was most recently elected on November 8, 1994, for a term that began on January 4, 1995, and that will end at noon on January 3, 1997. The President formally extended full diplomatic recognition to the SRV for the very first time in August 1995 and nominated Mr. PETERSON to be Ambassador to the SRV on May 23, 1996.

The White House has taken the creative position that:

> ...based on the facts and circumstances of this case, the office of Ambassador to Vietnam has not yet been created. If the Senate confirms Mr. Peterson, the President will not create the position of Ambassador to Vietnam until after noon on January 3, 1997. Therefore, so long as the Office is created at a time after Mr. Peterson's term of office . . . has expired, he can be appointed to the Office of Ambassador [without running into constitutional problems].

Rather than paraphrase the OLC argument, Mr. President, I ask unanimous consent the relevant portions be printed in the RECORD.

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

EXCERPT FROM OFFICE OF LEGAL COUNSEL OPINION

III.

We think it fair to say that the patterns of constitutional practice that we have described do not conclusively answer the question when the office of an ambassadorship is created. Nonetheless, we think that the legal and historical materials strongly point towards a particular answer, and we find that answer to be considerably more persuasive than any of the alternatives. Based on our survey of the materials, including the 1814 debate, we believe that the following tests are appropriate in determining when, for purposes of the Ineligibility Clause, the President has created the office of ambassador to a particular foreign State, in cases when such an ambassadorship has not existed before or (as in the case of Vietnam) has lapsed or been terminated:

1. In the usual course, the office is created at the time of appointment of the first ambassador to a foreign State once the President establishes diplomatic relations with that State. All that precedes the appointment—offering to establish normal diplomatic relations, receiving the foreign State's agreement to receive a particular person as the United States' ambassador, nominating and confirming that individual as ambassador—are all steps preparatory to the creation of the office. If the President ultimately declines to appoint an ambassador, the ''office'' is never created.

2. The President, nonetheless, retains the power to alter the ordinary course of events, and to create the office at some other time—or not at all. The act of creating the office must be distinguished from the preparatory steps leading to its creation. The preparatory acts indicate that the President intends to create the office; they do not in themselves constitute its creation. Indeed, in the ordinary course, the President should be understood to intend to create the office of ambassador upon the appointment of the individual as the first ambassador to the receiving State.

We turn now to the application of these tests to the ambassadorship to Vietnam.

IV.

The process by which the United States have been normalizing its relations with Vietnam has been underway for several years. The Republic of Vietnam (''RVN'') was constituted as an independent State within the French Union in 1950, and the United States sent a Minister to that State. (The United States did not recognize the Democratic Republic of Vietnam (''DRVN''), which had earlier declared itself to be an independent State.) Thereafter, on June 25, 1952, the United States appointed an Ambassador to the RVN, and upgraded the United States Legation in Saigon to Embassy status. In 1954, Vietnam was partitioned into what came commonly to be called ''North'' and ''South'' Vietnam. Despite an international agreement calling for the reunification of Vietnam, that did not occur; instead, the RVN, functionally, became South Vietnam, and the DRVN, functionally, North Vietnam. The United States maintained an ambassadorial post in the RVN from 1952 onwards. The last United States Ambassador left his post in Saigon on April 29, 1975.

After the Communist victory over South Vietnam in April, 1975, it became the position of the United States that ''[t]he Government of South Vietnam has ceased to exist and therefore the United States no longer recognizes it as the sovereign authority in the territory of South Vietnam. The United States has not recognized any other government as constituting such authority.'' *Republic of Vietnam* v. *Pfizer, Inc.*, 556 F.2d 892, 895 n.4 (8th Cir. 1977) (quoting letter from State Department).

During the present Administration, several successive and carefully measured steps were taken with a view to improving, and perhaps normalizing, relations between the United States and Vietnam. On July 2, 1993, President Clinton announced that the United States would no longer oppose the resumption of aid to Vietnam by international financial institutions. On February 3, 1994, the President announced the lifting of the United States' embargo against Vietnam. He also announced an intent to open a liaison office in Hanoi in order to promote further progress on issues of concern to both countries, including the status of American prisoners of war and Americans missing in action. His statement emphasized, however, that ''[t]hese actions do not constitute a normalization of our relationships. Before that happens, we must have more progress, more cooperation and more answers.'' On May 26, 1994, the United States and Vietnam formally entered into consular relations within the framework of the 1963 Vienna Convention on Consular Relations, to which both States were party. The United States, however, continued to condition diplomatic relations on progress in areas of concern to it. On January 28, 1995, the United States and Vietnam signed an agreement relating to the restoration of diplomatic properties and another agreement relating to the settlement of private claims. On July 11, 1995, the President announced an offer to establish diplomatic relations with Vietnam under the Vienna Convention on Diplomatic Relations—an offer that Vietnam accepted on the following day. In announcing that offer, the President stated that from the beginning of his Administration, ''any improvement in relationships between America and Vietnam has depended upon making progress on the issue of Americans who were missing in action or held as prisoners of war.'' Soon thereafter, the United States Liaison Office in Hanoi was upgraded to a Diplomatic Post.

On May 8, 1996, the Government of Vietnam gave its agreement (''agreement'') to the United States' proposal that Representative Peterson be Ambassador Extraordinary and Plenipotentiary of the United States to Vietnam. On May 23, 1996, the President submitted Mr. Peterson's name to the United States Senate for its advice and consent to that appointment.

In our judgment, while this pattern of activity demonstrates that the President fully intends and expects to create the office of ambassador to Vietnam, it does not establish

that he has, in fact, yet done so. The establishment of diplomatic relations does not entail the establishment of a diplomatic mission or the creation of the office of an ambassador. See Vienna Convention on Diplomatic Relations, art. 2. Moreover, the existence of diplomatic relations with Vietnam does not require (although it may normally assume) an exchange of ambassadors, since relations may be conducted at a lower diplomatic level. Further, we do not think that Vietnam's agreement to receive Mr. Peterson as ambassador establishes that that office exists for constitutional purposes. Nor (although the question is closer) does the President's decision to submit Mr. Peterson's name to the Senate for confirmation. Even if Mr. Peterson is confirmed, the President would retain the discretion not to send an ambassador to Vietnam, or otherwise not to create that office. In view of the facts that the United States has not had an ambassador to Vietnam since 1975 (and has never had an ambassador to the present government), that the process of normalizing relations between the United States and Vietnam has been a complex and protracted one, and that contingencies, however unlikely, may yet arise that would lead the President to conclude that it was not in the United States' best interests to appoint and send an ambassador, we do not think that the office of ambassador to Vietnam can be said to exist unless and until the President actually completes the process by appointing an officer to that position. Accordingly, if the President decides not to appoint Mr. Peterson to that office until after the expiration of the present term of Congress on January 3, 1997, we do not think that Mr. Peterson is constitutionally ineligible for that appointment.

In the interests of clarity, we repeat that we are not maintaining that an ''appointment'' within the meaning of the Ineligibility Clause does not occur until the appointee is actually commissioned by the President. Whatever the merits of that view as an original proposition (and they are substantial),[31] we are not writing on a clean slate. Accordingly, we follow the centuries-old teaching and practice of the Executive branch in assuming that the nomination of an ineligible individual is itself a constitutional nullity, even if the commissioning of that individual were to occur after the term of his or her ineligibility. Our position is that, in the singular circumstances of this case, the relevant office—the Ambassadorship to Vietnam—has not yet been ''created,'' so that no ineligibility exists. Thus, both the President's act of nominating Mr. Peterson, and the Senate's act of confirming him (if it does), are constitutionally valid.

Mr. THOMAS. Mr. President, I must say that this is one of the least straightforward legal arguments that I have seen. In effect, the administration is saying ''go ahead and hold a hearing on the fitness of this nominee to occupy and conduct the duties of an office which we have not yet created but will create at some time in the future.'' I believe that the clear and serious problems with that argument are self-evident.

Mr. President, what the OLC proposes raises a serious constitutional separation of powers issue in my mind. The Senate's advice and consent function requires a review not simply of the nominee, but of his or her qualifications and fitness to fill a particular office. To call for Senate confirmation of a nominee before the creation of the office that he would fill would deprive the Senate of that complete inquiry.

The OLC has sought to brush aside the problems created by asking us to hold a hearing on an uncreated office by stating that ''[e]ven if that particular ambassadorship has yet to be created, the duties and responsibilities of an ambassador are of course perfectly familiar to the Senate.'' But hypothetically, Mr. President, if we were to confirm an ambassador for an as-yet uncreated office, what is there to assure us that a President could not simply change the nature or duties of the office at his whim after the fact, leaving us—having given our consent—with no constitutional recourse? The Framers of the Constitution did not envision a carte blanche for the State Department in circumstances such as these.

To hold a hearing under these circumstances would set an unadvisable precedent for the Senate. Although the OLC states that there is precedent for our confirming a nominee for which the office did not yet exist, their two examples are not applicable to the facts in the Peterson case. First and foremost, none involved the position of ambassador. Second, both involved executive-branch bodies that were legislatively created—the Occupational Safety and Health Review Commission, and the Department of Health, Education and Welfare. The legislation creating each office had already become law, but provided that the particular respective offices and their holders —in these cases OSHRC Commissioner and Secretary of HEW—were to become effective at a later specific date. So OLC overlooks the fact that the offices had therefore already been created, but they were just not yet functional at the time the nominees were confirmed. An unfilled office is hardly the same thing as an uncreated office.

Given all this, Mr. President, I feel that the Constitution presently precludes our giving our advice and consent regarding the Peterson nomination. Moreover, I believe that it is inadvisable—in view of the Senate's constitutional role in the nomination process—to move ahead with the nomination hearing. If we accept for the sake of argument the White House position that, as the State Department spokesman put it, the office of ambassador is not created until the nominee actually takes up that office, we would be holding a hearing on confirming an individual for a position that does not yet exist. I have just mentioned the problems I have with that conclusion. How then would we exercise what is basically our constitutionally mandated oversight function? How would we determine whether the nominee is fit for the office to which he has been nominated if that office—and consequently its constituent functions and duties —has not come into being?

Given all these substantial problems, I and the chairman have concluded that it would be better to postpone the hearing on Representative PETERSON's nomination until after January 3, 1997, when his term—and the constitutional issue—expire. I pledge to my colleagues, and more importantly to Congressman PETERSON, that if I am chairman of the East Asia Subcommittee in the next Congress my very first hearing will be on this nomination. And I will, in any case, do everything I can to expedite the nomination process for him.

Mr. President, in closing let me stress what our decision to postpone the hearing is not about. First, as I mentioned at the beginning of my statement today it is not about PETE PETERSON. I have never heard any Member, regardless of their position on normalization of relations with the SRV, have anything but praise for the Congressman. He has an exemplary record of service to his country spanning several decades of which I believe all my colleagues are aware. As an Air Force captain, he was flying a combat mission in September 1966 when a North Vietnamese surface-to-air missile struck his Phantom jet fighter. He ejected free of the plane, but parachuted into a tree in the dark breaking an arm, leg, and shoulder. He was captured by the Vietnamese and spent 6½ years as a POW. He first came to Congress in 1991. When his nomination comes before the committee and the full Senate, I intend to vote in favor of it.

It is unfortunate, frankly, that Congressman PETERSON has become the victim of what I would charitably characterize as administration bungling. The administration completely failed to address this issue until our staffs brought it to their attention in mid-July. But it should not have come as a surprise to them, Mr. President—the issue has come up several times in previous administrations and even once in this administration with the nomination of Senator Lloyd Bentsen to be Treasury Secretary. Sadly, the only mention of the issue in the Administration prior to our raising the issue was the following one-page memo dated May 17, 1996, which somewhat ironically only addresses the emoluments portion of the clause—the only portion of the clause not applicable in Congressman PETERSON's case. Mr. President, I ask unanimous consent that the full text of the memo be printed in the RECORD.

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

U.S. DEPARTMENT OF STATE,
Washington, DC, May 17, 1996.

Memo for the file.

Subject: Nomination of Congressman Pete Peterson to be Ambassador to Vietnam.

In response to a question from the Executive Clerk at the White House, Mary Beth West, L/LM, and her staff researched the possible impact on Congressman Peterson's ambassadorial nomination of Article 1, Section 6, of the Constitution which states:

''No Senator or Representative shall, during the Time for which he was elected, be appointed to any civil Office under the Authority of the United States, which shall have

been created, or the Emoluments whereof shall have been increased during such time; and no Person holding any Office under the United States, shall be a Member of either House during his Continuance in Office.''

In consultation with the Office of Legal Counsel at the Justice Department and the White House Counsel's Office, it was determined that this constitutional requirement only prohibits the appointment of a Senator or Representative to a civil office if an act of Congress has created, or increased, the emoluments of that office during that Senator's or Representative's current term of office. In Congressman Peterson's case, there have been no salary increases covering ambassadors during his current term of office.

Mr. THOMAS. Had the administration done its job, Congressman PETERSON would have been spared the surprise and awkwardness of having his hearing postponed for several months. It is unfortunate that he has become a victim of this administration's unfortunate tendency to be reactive, rather than proactive, in its foreign policy decisions.

In some other circumstances, Mr. President, I might worry about a delay in sending an ambassador to a particular country and the effect such a delay might have on our foreign policy. Since May the State Department has been strongly urging the Senate to take up the Peterson nomination at the earliest possible date because ''it is vital to U.S. interests that we have an Ambassador in place there.'' With that sense of urgency, the Department was continually requesting that the nomination be placed on a fast track. That sense of urgency is unabated, but the White House has terminally undercut its own argument by stating that even if the Senate gave its advice and consent in this session to avoid a constitutional problem it would not officially commission and send him to Hanoi until after the expiration of his present term—in other words not until next January—to avoid constitutional complications. It seems to make little sense to hold a hearing now on a nominee who all sides agree is constitutionally barred from taking office until the next Congress convenes. Thankfully for Congressman PETERSON, our delay will not appreciably add to the time he will now be kept from his new position.

Second, the postponement it is not about what I view as the administration's hurried move to normalize relations with the SRV. It will not come as a surprise to anyone that as a Senator I have opposed normalization in the past. My opposition was not based on my dislike of that country's communist dictatorship, or even its brutal repression of its own people—although in this administration's somewhat hypocritical view these two bases seem sufficient to deny diplomatic recognition to other countries such as Cuba, North Korea, and Burma. Rather, I did not believe that we should reward Hanoi with normalization when, in my opinion and the opinion of many other Members of this and the other body, Hanoi had not been sufficiently forthcoming with information about our country's missing and dead servicemen.

I acknowledge that the President has wide latitude in the conduct of foreign policy, he has made the decision to normalize relations, and the Congress has more or less decided to go along with that decision. I have repeatedly stated that I will not stand in the way of that process simply because I disagree with the original decision.

Third, the decision to postpone is decidedly not—I repeat not—about politics. While it has become somewhat ''normal'' in the Senate for a committee controlled by one party to hold up action on the nominees proposed by a President from the opposing party at the close of an election year, such is not the case in this committee this year. The distinguished full committee chairman, Mr. HELMS, made it clear several months ago that it is his intention to move all matters pending before the committee—whether nominations, legislation, or treaties—out to the full Senate in time for them to be acted upon before the Senate adjourns sine die sometime in October; I fully support that position.

In addition, I have never managed issues within the jurisdiction of my subcommittee in anything less than a fully bipartisan spirit. I firmly believe that to be effective, U.S. foreign policy is an issue that should be insulated from the currents and eddies of partisan politics. Toward that end, I have never raised objections to an ambassadorial nominee solely because he or she was a Democrat, or a political, as opposed to a career, nominee. First, I would not have scheduled, and then rescheduled, this nomination hearing if I had not had every intention of moving forward with it. Nor would I go on record as publicly committing myself to make the Peterson nomination my first of 1997.

Fourth, this is not a question of the committee making a mountain out of a molehill. It is not some arcane issue to which we can turn a blind eye. It exists in black and white in the Constitution, the very document that many Members of this body carry with them daily and which all of us have sworn to uphold.

Some might ask, ''What would it harm to simply overlook the problem?'' What would it harm, Mr. President? Simply put, I believe strongly that it would harm the Constitution and the Senate. There is an enormous temptation to chisel at the margins of the Constitution. The temptation becomes almost irresistible when the corner chiseled at is deemed a nuisance and the likelihood is very remote that anyone would bring a lawsuit against those holding the chisel. The ineligibility clause would seem to fall into this category.

But a constitutional violation is no less a constitutional violation simply because the offended provision is perceived to be a minor one, or because of the absence of a judicial ruling to that effect. The President has taken an oath to uphold the Constitution; so have I, and I take that oath very seriously. The duty extends to every part of that document, not just to those portions that are considered convenient or more expedient than others. We should not turn our backs on the Constitution simply because we agree Congressman PETERSON is a good candidate or because the State Department would rather that he have his hearing now as opposed to later. Given the Constitution or the administration's convenience, the choice is clear.

INNOVATIVE BUSINESS PRACTICES AT NORFOLK NAVAL BASE

Mr. NUNN. Mr. President, in an article entitled ''An Admiral Turns Big Guns on Waste at Norfolk, VA, Base'' last month, Wall Street Journal reporter John Fialka described some of the new business practices that the Navy is employing to improve the efficiency of its base operations. I will ask unanimous consent that this article be printed in the RECORD at the conclusion of my remarks for the benefit of my colleagues who may have missed it.

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

(See exhibit 1.)

Mr. NUNN. This article documents a number of innovative initiatives undertaken by the Navy at Norfolk Naval Base—energy audits; joint agreements with civilian port terminals to increase the Navy's railroad access and terminal capacity; and lease arrangements with private real estate developers to increase the quality and quantity of housing for Navy members and their families. Mr. President, this kind of aggressive and innovative approach to reducing infrastructure costs is essential if our military services are going to have the funds to invest in the new systems and equipment need to modernize our forces.

According to the Wall Street Journal, the individual most responsible for these efforts at Norfolk Naval Base is Adm. William J. ''Bud'' Flanagan, the Commander of the Atlantic Fleet. Many of my colleagues remember Admiral Flanagan from his tour as head of the Navy's Office of Legislative Affairs in the late 1980's. Following that assignment, Admiral Flanagan commanded the Navy's Second Fleet before taking over as Commander of the Atlantic Fleet.

Mr. President, I have known and worked with Admiral Flanagan for many years. He is an extremely capable naval officer, and I am not at all surprised to see that he is also an energetic and creative business manager who is bringing innovative practices to the Navy's base operations. I hope that he keeps up the good work, and that others throughout the military services follow his good example.

EXHIBIT 1

[From the Wall Street Journal, Aug. 19, 1996]

AN ADMIRAL TURNS BIG GUNS ON WASTE AT NORFOLK, VA., BASE

FACING A SEA OF BUSINESS DEALS, FLANAGAN CHARTS A COURSE THAT CHANGES U.S. NAVY

(By John J. Fialka)

NORFOLK, VA.—Not long ago, a private company wanted to rent one of the Navy's sagging, ''temporary'' buildings here. It offered $400,000 a year for a Cold War relic that was sitting empty.

''We can't do that! Tear it down,'' ordered Adm. William J. ''Bud'' Flanagan Jr., commander of the Atlantic Fleet and the short, stocky czar of the sprawling Norfolk Naval Base.

The admiral, who now oversees an $11 billion budget but spent many of his 29 years in the Navy hunting for Soviet submarines, had reason to torpedo the deal. He had hired an outside research firm to analyze the base's $100 million energy bill—a first—and found that heating and cooling the 70,000-square-foot, uninsulated structure would cost nearly $1 million a year. So the rental would lose money. Now, the building is the 84th the admiral has ordered destroyed, and he has targeted 80 more.

Not that Adm. Flanagan hates business deals. In fact, he views this 55-square-mile naval base as awash in entrepreneurial possibilities. He will welcome tourists to what will be, in effect, a theme park with aircraft carriers. He will let a neighboring cargo terminal store cocoa beans on the base—if it helps load Navy ships. He will let developers build fancy townhouses and offices on a slummy-looking peninsula.

For decades, the Navy played a cat and mouse with the Soviet Union at sea, but on shore it operated much like its old adversary. Nobody itemized costs. Electricity wasn't metered. Submarine, aircraft and surface-ship commanders built redundant fiefs and, Adm. Flanagan complains, ''didn't talk to each other.'' As with many federal bureaucracies, leftover funds reverted to the Treasury at year end; so they were spent—on almost anything. ''The old tradition was if the Navy can spend some money, it will,'' he recently noted to a group of naval auditors.

CHANGED RULES

Last year, however, the Navy changed the rules—after hard lobbying by Adm. Flanagan. He did so partly because, as one of a Cape Cod, Mass., policeman's eight children, he admired his mother's gentle but firm grasp on the family budget. But he also was strongly influenced by four mid-career months at Harvard Business School, where he became acquainted with marketing concepts. ''It opened up a whole new avenue of thought,'' he recalls.

Under the Navy's new rules, a commander who saves money or generates outside income can use the funds to buy new ships, planes or other equipment. Now Adm. Flanagan, perhaps with more determination than most senior officers, is trying to get his subordinates on board. His reasoning: The Navy's job remains ''to fight and win.'' he says, but, in an era of shrinking budgets, it can't win ''unless we learn to look more like GE than USN.''

When he found the Norfolk base renting several hundred vans it didn't need and its overstaffed golf course losing vast sums, he didn't ''shoot anybody'' but got the problems corrected, he says. ''If you start assessing fear and blame,'' he adds, waste simply goes ''underground.'' Instead, he praises managers who improve matters.

Meanwhile, the first new business was peering through the front gate. Lured by hulking carriers moored at the docks, some 350,000 visitors showed up at base entrances every year, but most couldn't get past the guards. So in October, the admiral removed the guards from the gates. ''It took some old salts here some time to get used to it,'' recalls Norfolk's mayor, Paul Fraim.

Before long, tour buses will call at a new, privately owned marina and restaurant, which will share any profits with the base, and a ''Welcome Center'' complete with souvenir shops. Naval Number-crunchers—more use to counting munitions—expect 500,000 tourists this year, causing one naval officer to exult: ''When they each buy a baseball cap at $6 a pop, we've just made $3 million!''

Nearbly Norfolk International Terminals is also pleased. Cramped for space, it finds itself inundated by two million bags of cocoa beans after a market upheaval. For years, Robert Bray, executive director of the Virginia Port Authority, which runs it, had sought access to empty Navy warehouses just across the fence but found ''the answer was always no.''

BARTER DEAL PROPOSED

Adm. Flanagan said yes. But he wants a billion-dollar barter deal; if the terminal will load cargo onto Navy ships, it can build storage facilities on unused naval property. Under the projected agreement, the railroad serving the terminal could use Navy land, allowing it to operate longer freight trains. Both the terminal and the base would gain cargo capacity.

Another possible deal that interests Adm. Flanagan involves Willoughby spit, a landfill area with 440 somewhat-shabby Navy apartments—each needing $70,000 of renovation. Two local developers see opportunity—prime waterfront land for a hotel-office-marina complex and townhouses. Monica R. Shephard, the Navy's negotiator, hopes to lease out the site on a long-term basis and use the revenue to finance better naval housing elsewhere. However, civilian tenants would be warned they could be temporarily locked off the base in a national emergency.

In addition, many other tacky, prefab buildings are coming down. Adm. Flanagan, who first came here as a freighter crewman in 1964, remembers even then wondering why so many ''temporaries'' were still around. As the landlord, he found 132 Navy tenants, some with no direct connection to his base's mission, and told them to pay rent or ship out. ''The goal is to make people aware that this stuff isn't free. . . . We are in a limited-resources game,'' he explains.

REPAIR FACILITIES CONSOLIDATED

His staffers also have consolidated 13 electric-motor repair facilities into one and have cut some 30 instrument-calibration shops to five. The savings so far: about $39 million. And Rear Adm. Art Clark, the Atlantic fleet's chief maintenance officer, says he can cut more.

Not all this pleases private repair yards. They invested heavily in drydocks and piers when President Reagan wanted a 600-ship Navy, and now they fear that the Navy will do more of its own work.

J. Douglas Forrest, vice president of Collona's Shipyard Inc., a family business operating here since 1875, grumbles about naval officers going to ''90-to-120-day whizbang programs at Harvard, so then they can deal in the financial world.'' Nothing personal, he adds quickly. ''People like Bud Flanagan broke the Red Navy. . . . They're great guys. . . . But the Navy never prepared them for making all the decisions that have been forced upon them by a government that is downsizing.''

Adm. Flanagan, too, sometimes longs for the days when ''win the war'' was the Navy's bottom line: ''that was easy. You just got up in the morning and followed the plan.''

CONGRATULATIONS TO CAPT. JOHN ''TAL'' MANVEL, U.S. NAVY

Mr. NUNN. Mr. President, I would like to take this opportunity to recognize Navy Capt. John ''Tal'' Manvel who has been named the Navy's program manager for the next generation aircraft carrier. Until this assignment, Captain Manvel had been serving as the Executive Assistant to Assistant Secretary of the Navy for Research, Development and Acquisition John Douglass, where he established an outstanding record of service. Navy acquisition has benefited greatly from Captain Manvel's professional advice to the Assistant Secretary Douglass.

Captain Manvel's next assignment carries a very important responsibility. The aircraft carrier is the backbone of our Navy. With a 50-year expected life cycle—greater than any other weapon platform in the Navy—over 80,000 men and women will serve aboard each of these new ships during their life as well as several generations of Naval aircraft. As the program manager for the next generation aircraft carrier, Captain Manvel's influence on our Navy will be evident for more than a half century.

Captain Manvel has broad experience as both an acquisition professional and as a naval engineer with experience onboard aircraft carriers, including duty as chief engineer onboard the *U.S.S. America* (CV 66). He is superbly suited to lead this project. I know my colleagues join me in congratulating Captain Manvel on his new assignment and in wishing him continued success in his career of service to the Navy and our country.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, September 3, the Federal debt stood at $5,226,657,169,759.06.

Five years ago, September 3, 1991, the Federal debt stood at $3,617,116,000,000.

Ten years ago, September 3, 1986, the Federal debt stood at $2,110,332,000,000.

Fifteen years ago, September 3, 1981, the Federal debt stood at $979,575,000,000.

Twenty-five years ago, September 3, 1971, the Federal debt stood at $414,181,000,000, an increase of more than $4,812,476,169,759.06 in the past 25 years.

MESSAGES FROM THE HOUSE

At 6:01 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 amendment of the Senate to the bill (H.R. 3269) to amend the Impact Aid Program to provide for a hold-harmless with respect to amounts for payments relating to the Federal acquisition of real property, and for other purposes.

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–3833. A communication from the Acting Director of the Office of Management and Budget, Executive Office of the President, transmittng, pursuant to law, a notice of the intent to exempt all millitary personnel accounts from sequester for fiscal year 1997; referred jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committee on Appropriations, Committee on the Budget, and Committee on Armed Services.

EC–3834. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the cumulative report on rescissions and deferrals dated August 1, 1996; referred jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committee on Appropriations, Committee on the Budget, Committee on Agriculture, Nutrition, and Forestry, Committee on Armed Services, Committee on Finance, Committee on Foreign Relations, and the Committee on Governmental Affairs.

EC–3835. A communication from the Director of the Congressional Budget Office, transmitting, pursuant to law, the Sequestration Update Report for fiscal year 1997; referred jointly, pursuant to the order of August 4, 1977, to the Committee on the Budget, and to the Committee on Governmental Affairs.

EC–3836. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report relative to the eighth special impoundment message for fiscal year 1996; referred jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committee on Appropriations, Committee on the Budget, and the Committee on Finance.

EC–3837. A communication from the Secretary of Defense, transmitting, pursuant to law, the second semi-annual report on program activities to facilitate weapons destruction and nonproliferation in the Former Soviet Union for fiscal year 1995; referred jointly, pursuant to Section 1208 of Public Law 103–160, to the Committee on Appropriations, to the Committee on Armed Services, and to the Committee on Foreign Relations.

EC–3838. A communication from the Secretary of Education, transmitting, pursuant to law, the third biennial report on vocational education data the performance standards and measurement systems developed by States for their vocational education programs; to the Committee on Labor and Human Resources.

EC–3839. A communication from the Commissioner of the National Center For Education Statistics, Office of Educational Research and Improvement, Department of Education, transmitting, pursuant to law, a report entitled ''Quality and Utility: The 1994 Trial State Assessment in Reading''; to the Committee on Labor and Human Resources.

EC–3840. A communication from the Assistant General Counsel for Regulations, Department of Education, transmitting, pursuant to law, the rule entitled ''Indian Fellowship and Professional Development Programs,'' (RIN1810–AA79) received on August 27, 1996; to the Committee on Labor and Human Resources.

EC–3841. A communication from the Assistant Secretary for Occupational Safety and Health, Department of Labor, transmitting, pursuant to law, the rule entitled ''Scaffolds Used in the Construction Industry,'' (RIN1218–AA40) received on August 28, 1996; to the Committee on Labor and Human Resources.

EC–3842. A communication from the Office of the Pension and Welfare Benefits Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Class Exemption To Permit Certain Authorized Transaction Between Plans and Parties in Interest,'' received on August 1, 1996; to the Committee on Labor and Human Resources.

EC–3843. A communication from the Administrator of the Wage and Hour Division, Employment Standards Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Regulations to Implement Amendments to Federal Contract Labor Laws by the Federal Acquisition Streamline Act of 1994,'' (RIN 1215–AA96) received on July 30, 1996; to the Committee on Labor and Human Resources.

EC–3844. A communication from the Assistant Secretary for Pension and Welfare Benefits, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Regulations Relating to Definition of 'Plan Assets'—Participant Contributions,'' (RIN1210–AA53) received on August 19, 1996; to the Committee on Labor and Human Resources.

EC–3845. A communication from the Assistant Secretary for Pension and Welfare Benefits, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Class Exemption to Permit the Restoration of Deliquent Participant Contributions to Plans,'' received on August 8, 1996; to the Committee on Labor and Human Resources.

EC–3846. A communication from the Assistant Secretary for Pension and Welfare Benefits, Department of Labor, transmitting, pursuant to law, the report of a rule relative to affirmative action and nondiscrimination obligations of contractors and subcontractors, (RIN1210–AA62, 1215–AA76) received on August 7, 1996; to the Committee on Labor and Human Resources.

EC–3847. A communication from the Assistant Secretary for Employment Standards, Department of Labor, transmitting, pursuant to law, the report of a rule relative to Job Training Partnership Act intertitle transfer of funds, received on August 27, 1996; to the Committee on Labor and Human Resources.

EC–3848. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Food Labeling; Nutrition Labeling, Small Business Exemption,'' (RIN0910–AA19) received on August 7, 1996; to the Committee on Labor and Human Resources.

EC–3849. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Food Labeling; Nutrient Content Claims and Health Claims; Restaurant,'' (RIN0910–AA19) received on August 7, 1996; to the Committee on Labor and Human Resources.

EC–3850. A communication from the Director of the Regulations Policy Management Staff, Office of Policy, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medical Devices; Medical Device Reporting; Baseline Reports; Stay of Effective Date,'' (RIN0919–AA19) received on August 8, 1996; to the Committee on Labor and Human Resources.

EC–3851. A communication from the Director of the Regulations Policy Management Staff, Office of Policy, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Food Standards: Amendment of Standards of Identity for Enriched Grain Products to Require Addition of Folic Acid; Correction,'' (RIN0919–AA19) received on August 12, 1996; to the Committee on Labor and Human Resources.

EC–3852. A communication from the Director of the Regulations Policy Management Staff, Office of Policy, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule relative to current good manufacturing pratices, received on July 25, 1996; to the Committee on Labor and Human Resources.

EC–3853. A communication from the Director of the Regulations Policy Management Staff, Office of Policy, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule relative to medical device distributor and manufacturer reporting, (RIN0919–AA09) received on July 26, 1996; to the Committee on Labor and Human Resources.

EC–3854. A communication from the Director of the Regulations Policy Management Staff, Office of Policy, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Food Labeling: Health Claims; Sugar Alcohols and Dental Caries,'' received on August 23, 1996; to the Committee on Labor and Human Resources.

EC–3855. A communication from the Director of the Regulations Policy Management Staff, Office of Policy, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule relative to food labeling guidelines, (RIN0919–AA19) received on August 27, 1996; to the Committee on Labor and Human Resources.

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. BOXER:

S. 2052. A bill to provide for disposal of certain public lands in support of the Manzanar National Historic Site in the State of California, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. GRASSLEY (for himself, Mr. D'AMATO, and Mr. SHELBY):

S. 2053. A bill to strengthen narcotics reporting requirements and to require the imposition of certain sanctions on countries that fail to take effective action against the production of and trafficking in illicit narcotics and psychotropic drugs and other controlled substances, and for other purposes; read the first time.

By Mr. COCHRAN:

S. 2054. A bill to amend the Higher Education Act of 1965 to exempt certain small lenders from the audit requirements of the guaranteed student loan program; to the Committee on Labor and Human Resources.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

THE OWENS RIVER VALLEY ENVIRONMENTAL RESTORATION AND MANZANAR LAND TRANSFER ACT OF 1996

By Mrs. BOXER:

S. 2052. A bill to provide for disposal of certain public lands in support of the

Manzanar National Historic Site in the State of California, and for other purposes; to the Committee on Energy and Natural Resources.

● Mrs. BOXER. Mr. President, I am pleased to introduce legislation that would allow the Federal Government to obtain expeditiously the lands designated as the Manzanar National Historic Site.

As we look back in United States history, we see many triumphs, as well as many failures. We must be humble about our successes and apologetic for our errors. One of those mistakes was committed during World War II when 11,000 Japanese-Americans were held at the Manzanar Internment Camp. These individuals were some of the over 120,000 Japanese-Americans interned at 10 sites throughout the United States.

While we revel in the victory of World War II, we also make redress for the suffering that Japanese-Americans endured as a result of the internment. Legislation passed in 1988 directed an official apology by the Federal Government and symbolic payments to Japanese Americans that were interned. This legislation also included efforts to educate Americans about the internment.

The National Park Service determined in the 1980's that, of the 10 former internment camps, Manzanar was best suited to be preserved as a reminder to Americans of the blatant violation of civil rights that the internment represented. As a result, Congress passed legislation in 1992 to establish a national historic site at Manzanar.

My legislation will allow us to finish the process of creating the Manzanar national historic site and complete a necessary acknowledgment of mistaken practices. The bill will make it possible for the Federal Government to obtain the Manzanar site through a land exchange with the Los Angeles Department of Water and Power [LADWP], which currently owns the property. The LADWP, the National Park Service, the Bureau of Land Management, and Inyo County have agreed to a land exchange that can occur rapidly once our legislation is passed. I commend these parties, as well as the Manzanar National Historic Site Advisory Commission and the Japanese-American community, for their work in bringing us to this stage in the process. I also deeply appreciate the commitment of my colleagues in the House, Congressman BOB MATSUI and Congressman JERRY LEWIS.

In addition to the cultural significance of this legislation, the land transfer will allow for the completion of a necessary environmental restoration project. Through an agreement between the LADWP and Inyo County, 60 miles of the Owens River Valley will be revived—wetlands will be restored, riparian areas will be renewed, and wildlife will again thrive.

The injustice that occurred at Manzanar should not be forgotten. Manzanar should be preserved as a reminder of a terrible mistake—one which should never have been committed and one we should never repeat. I urge my colleagues to support this bill, so that we can quickly make the Manzanar national historic site a reality and instill in our citizens a high level of public awareness about the internment.●

By Mr. GRASSLEY (for himself, Mr. D'AMATO, and Mr. SHELBY):

S. 2053. A bill to strengthen narcotics reporting requirements and to require the imposition of certain sanctions on countries that fail to take effective action against the production of and trafficking in illicit narcotics and psychotropic drugs and other controlled substances, and for other purposes; read the first time.

NARCOTICS TRAFFICKING LEGISLATION

Mr. GRASSLEY. Mr. President, I am introducing legislation today to revise the annual certification process for drugs. It is called the International Narcotics Control Act of 1996.

Ten years ago, Congress passed bipartisan legislation in the Foreign Assistance Act that requires the President to report annually on international illegal drug production. That legislation also requires him to certify annually to the American public what major drug producing and transiting countries are doing to cooperate with international efforts to stop the production and transit of illegal drugs.

Virtually all the illegal drugs that come to the United States reach our shores from overseas. These drugs—particularly heroin and cocaine—are illegal to grow and produce in their countries of origin. In addition, these same major producers of illegal drugs are also signatories to various international agreements that commit them to stop this terrible trade. The certification legislation has the practical goal of giving us a realistic gage by which to determine whether others are doing their fair share in stopping illegal drugs.

The legislation of 10 years ago also encourages U.S. administrations to make stopping illegal drugs a foreign policy priority. It has also been instrumental in encouraging greater cooperation by other countries in taking meaningful steps to deal with illegal drug production and transportation.

We and others in the international community expect each nation—producer or consumer—to take serious measures to stop the flow or use of illegal drugs. Unfortunately, not all countries have undertaken such efforts.

When these countries fall short of reasonable standards, the certification legislation requires the President to take note of this. In serious cases, it requires him to decertify a country if that country's efforts fall short of meaningful, credible cooperation.

It also requires the imposition of sanctions on countries that fail to take effective action against the production and trafficking of illegal drugs. These sanctions, however, have no real teeth. They are mainly an embarrassment.

Although there are tough sanctions available, in the Narcotics Control Trade Act, these are optional and have never been used. This is true even though some of the decertified countries, like Burma, have been on the list almost since the list was started. To many decertified countries, then, embarrassment is hardly a serious concern. For others, once they learn how limited the practical effects are, embarrassment soon disappears. It is time, therefore, to update the present legislation and to give it more realistic measures to encourage serious cooperation. This is even more important at a time when illegal drug production is growing overseas and teenage use in this country is on the rise.

The legislation I am proposing today puts more force behind our policy. It introduces serious sanctions for noncooperation. These sanctions would not take effect until the third year of decertification. They are, therefore, not arbitrary. It allows ample time for a country to improve its record. In addition, the proposed sanctions are more flexible than the present ones, which means they are more realistic. They give the President greater ability to use meaningful sanctions against countries that he determines are not living up to reasonable standards. If the administration has seen fit to decertify a country for 3 consecutive years, it is fitting that we take steps to support that judgment. This legislation does that.

In an effort to strengthen the reporting and certification process, this legislation would require the President to include information on the bilateral trade relationship between the United States and each country. This information will be necessary to evaluate the potential effect of various sanctions. Trade sanctions are perhaps one of the most powerful tools we have to put pressure on foreign governments, and also one of the least used. This legislation, however, gives us an effective tool for the future.

In addition, this legislation will require an update from the president on the status of cooperation of any country that did not receive full certification. As this information is already gathered throughout the year, and would only apply to a small number of countries—nine from 1996—this should not be a significant additional burden for the State Department.

This legislation also would codify additional items that should be taken into consideration regarding cooperation.

These cover changes in the drug trafficking industry that have occurred since certification was enacted in 1986. It also considers additional cooperation benchmarks that were unnecessary 10 years ago: such as, the better inspection of loaned or leased U.S. equipment; certification of the destruction of confiscated illegal drugs; and,

enforcement of adequate confinement so that narco-traffickers cannot continue their activities from inside prisons.

The present legislation also contains a provision for reporting on extraditions. Congress has had considerable difficulty in getting information from the State Department or the Justice Department on pending extraditions. Often, the first notice that an extradition has been agreed to is discovered in the morning paper, weeks after the extradition occurred. In an effort to shed more light on extraditions, this legislation would require a notice to Congress of any extradition agreement that has been reached. It has very simple requirements. And it will increase information on what the United States is giving up in order to reach these extradition agreements.

This legislation also expands the trade sanctions that are available for the President to choose from to penalize countries that do not adequately participate in drug efforts. Presently, there are five sanctions which the President may implement. This legislation adds five more sanctions to this list, both more and less severe than those presently available.

These sanctions include withdrawal of U.S. personnel and resources from participation in any Customs preclearance; denial of trade benefits under any existing free-trade area agreements; refusal to begin or continue negotiations on the establishment of a free trade area; denial or restriction of applications for immigrant or nonimmigrant visas; increased inspection standards to at least 35 percent for goods coming in; and denial of export of U.S. products or importation from that country.

Implementation of these sanctions are at the President's discretion for the first 2 years that a country is decertified. If a country is fully decertified or receives a national interest waiver for 3 consecutive years, then the President must choose and implement at least one of the listed sanctions. These sanctions will remain in effect until a country receives full certification.

The third change to the certification process that this legislation would make are changes in the international narcotics control strategy report.

These added reporting requirements identify what action the United States has taken under section 487—official corruption—of the Foreign Assistance Act and how the country has been affected by its implementation. Also, the report should indicate how a country has been affected economically by the production and trafficking in illegal drugs, and how and where U.S. equipment are being used. And finally, any country that is defined as a major money laundering country will be treated as a major drug transit or drug producing country.

These proposed changes enhance the ability of the United States to encourage full international cooperation in dealing with the illegal drug trade. The provisions are fully in keeping with reasonable standards of international conduct. They are a serious part of making the stopping illegal drugs an important part of our foreign policy. There are fewer more direct and dangerous threats to our citizens today than that posed by illegal drugs. It is time to take the next step in ensuring that we are taking the responsible measures to control international drug trafficking.

That's why I am introducing this legislation today. I urge my colleagues to review this legislation and support this change.

By Mr. COCHRAN:

S. 2054. A bill to amend the Higher Education Act of 1965 to exempt certain small lenders from the audit requirements of the guaranteed student loan program; to the Committee on Labor and Human Resources.

THE HIGHER EDUCATION ACT OF 1965 AMENDMENT ACT OF 1996

● Mr. COCHRAN. Mr. President, today I am introducing legislation to provide regulatory relief to small-and medium-sized financial institutions and protect the availability of student loans.

In the Higher Education Amendments of 1992, Congress required financial institutions participating in the Federal Family Education Loan [EFEL] Program to audit their student loan portfolios.

Unfortunately, this change did not take into account the impact this audit requirement would have on lenders with small student loan portfolios. These small lending institutions earn only a few thousand dollars annually, while the audit costs as much or more.

As a result of this prohibitively expensive and unnecessary audit requirement, many lenders are selling off their portfolios and leaving the FFEL Program altogether.

The Department of Education has indicated they do not have the authority to waive the audit requirement. Further, the Department has informed those with loan portfolios of less than $10 million that, while they must perform the audits annually, the audit results shall be submitted to the Department only upon request. Thus, much of the time and money spent on these audits will be wasted.

The inspector general indicated in its semiannual report that they were concerned that the costs of legislatively required annual audits may outweigh the benefits. The inspector general has recommended that the Department take steps to establish in legislation a threshold for requiring these audits.

My legislation would eliminate the lender audit on institutions with portfolios equaling $10 million or less. Without the change in current law lending institutions will continue to sell off their portfolios, leave the FFEL Program, and reduce the opportunities for our Nations' students.

I urge my colleagues to support this much needed reform.●

ADDITIONAL COSPONSORS

S. 706

At the request of Mr. HARKIN, the name of the Senator from North Dakota [Mr. DORGAN] was added as a cosponsor of S. 706, a bill to prohibit the importation of goods produced abroad with child labor and for other purposes.

S. 1417

At the request of Mr. HELMS, his name was added as a cosponsor of S. 1417, a bill to assess the impact of the NAFTA, to require further negotiation of certain provisions of the NAFTA, and to provide for the withdrawal from the NAFTA unless certain conditions are met.

S. 1660

At the request of Mr. GLENN, the names of the Senator from Indiana [Mr. LUGAR], the Senator from Minnesota [Mr. WELLSTONE], and the Senator from Idaho [Mr. KEMPTHORNE] were added as cosponsors of S. 1660, a bill to provide for ballast water management to prevent the introduction and spread of nonindigenous species into the waters of the United States, and for other purposes.

S. 1712

At the request of Mr. DORGAN, the name of the Senator from New Jersey [Mr. LAUTENBERG] was added as a cosponsor of S. 1712, a bill to provide incentives to encourage stronger truth in sentencing of violent offenders, and for other purposes.

S. 1797

At the request of Mr. ABRAHAM, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 1797, a bill to revise the requirements for procurement of products of Federal Prison Industries to meet needs of Federal agencies, and for other purposes.

S. 1954

At the request of Mr. HATCH, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 1954, a bill to establish a uniform and more efficient Federal process for protecting property owners' rights guaranteed by the fifth amendment.

S. 1984

At the request of Mr. GRAHAM, the name of the Senator from North Dakota [Mr. DORGAN] was added as a cosponsor of S. 1984, a bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to require a 10-percent reduction in certain assistance to a State under such title unless public safety officers who retire as a result of injuries sustained in the line of duty continue to receive health insurance benefits.

S. 1987

At the request of Mr. FAIRCLOTH, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 1987, a bill to amend titles II and XVIII of the Social Security Act to prohibit the use of Social Security and

Medicare trust funds for certain expenditures relating to union representatives at the Social Security Administration and the Department of Health and Human Services.

S. 2024

At the request of Ms. SNOWE, the name of the Senator from Oregon [Mr. WYDEN] was added as a cosponsor of S. 2024, a bill to amend the Public Health Service Act to provide a one-stop shopping information service for individuals with serious or life-threatening diseases.

SENATE RESOLUTION 277

At the request of Mr. CRAIG, the name of the Senator from Oregon [Mr. WYDEN] was added as a cosponsor of Senate Resolution 277, a resolution to express the sense of the Senate that, to ensure continuation of a competitive free-market system in the cattle and beef markets, the Secretary of Agriculture and Attorney General should use existing legal authorities to monitor commerce and practices in the cattle and beef markets for potential antitrust violations, the Secretary of Agriculture should increase reporting practices regarding domestic commerce in the beef and cattle markets (including exports and imports), and for other purposes.

AMENDMENTS SUBMITTED

THE DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1997

MCCAIN AMENDMENT NO. 5176

Mr. MCCAIN proposed an amendment to the bill (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, and for other purposes; as follows:

On page 75, line 10, after word ''expended'' insert the following: ''*Provided*, That no money appropriated for the Federal Emergency Management Agency may be expended for the repair of marinas or golf courses except for debris removal: *Provided further*, That no money appropriated for the Federal Emergency Management Agency may be expended for tree or shrub replacement except in public parks: *Provided further*, That any funds used for repair of any recreational facilities shall be limited to debris removal and the repair of recreational buildings only.''

MCCAIN (AND OTHERS) AMENDMENT NO. 5177

Mr. MCCAIN (for himself, Mr. GRAHAM, and Mr. KYL) proposed an amendment to the bill, H.R. 3666, supra; as follows:

On page 104, below line 24, add the following:

SEC. 421. (a) PLAN.—(1) The Secretary of Veterans Affairs shall develop a plan for the allocation of health care resources (including personnel and funds) of the Department of Veterans Affairs among the health care facilities of the Department so as to ensure that veterans who have similar economic status, eligibility priority, or medical conditions and who are eligible for medical care in such facilities have similar access to such care in such facilities regardless of the region of the United States in which such veterans reside.

(2) The plan shall—

(1) reflect, to the maximum extent possible, the Veterans Integrated Service Network and the Resource Planning and Management System developed by the Department to account for forecasts in expected workload and to ensure fairness to facilities that provide cost-efficient health care; and

(2) include—

(A) procedures to identify reasons for variations in operating costs among similar facilities; and

(B) ways to improve the allocation of resources so as to promote efficient use of resources and provision of quality health care.

(3) The Secretary shall prepare the plan in consultation with the Under Secretary of Health of the Department of Veterans Affairs.

(b) PLAN ELEMENTS.—The plan under subsection (a) shall set forth—

(1) milestones for achieving the goal referred to in paragraph (1) of that subsection; and

(2) a means of evaluating the success of the Secretary in meeting the goal.

(c) SUBMITTAL TO CONGRESS.—The Secretary shall submit to Congress the plan developed under subsection (a) not later than 180 days after the date of the enactment of this Act.

(d) IMPLEMENTATION.—The Secretary shall implement the plan developed under subsection (a) not later than 60 days after submitting the plan to Congress under subsection (c), unless within that time the Secretary notifies Congress that the plan will not be implemented in that time and includes with the notification an explanation why the plan will not be implemented in that time.

BUMPERS (AND OTHERS) AMENDMENT NO. 5178

Mr. BUMPERS (for himself, Mr. KERRY, Mr. JEFFORDS, Mr. KOHL, Mr. SIMON, Mr. WELLSTONE, Mr. BRYAN, Mr. FEINGOLD, Mr. LEAHY, Mr. BRADLEY, and Mr. WYDEN) proposed an amendment to the bill, H.R. 3666, supra; as follows:

On page 82, strike lines 6 through 7, and insert in lieu thereof the following: ''sion and administrative aircraft, $3,762,900,000, to remain available until September 30, 1998: *Provided*, That of the funds made available in this bill, no funds shall be expended on the space station program, except for termination costs.''

THOMAS AMENDMENT NO. 5179

Mr. THOMAS proposed an amendment to the bill, H.R. 3666, supra; as follows:

In Title III, at the end of the subchapter entitled: Council on Environmental Quality and Office of Environmental Quality, strike ''$2,436,000.'' and insert in lieu thereof ''$2,250,000.''

THOMAS AMENDMENT NO. 5180

(Ordered to lie on the table.)

Mr. THOMAS submitted an amendment intended to be proposed by him to the bill, H.R. 3666, supra; as follows:

Add a new section to the end of Title IV stating: ''No part of any appropriation contained in this Act shall be available for any activity or the publication or distribution of literature that in any way tends to promote public support or opposition to any legislative proposal on which congressional action is not complete.''

BOND AMENDMENT NO. 5181

Mr. BOND proposed an amendment to the bill, H.R. 3666, supra; as follows:

Insert at the appropriate place at the end of the section on HUD:

''SEC. . REQUIREMENT FOR HUD TO MAINTAIN PUBLIC NOTICE AND COMMENT RULEMAKING.

The Secretary of Housing and Urban Development shall maintain all current requirements under part 10 of the Department of Housing and Urban Development's regulations (24 CFR part 10) with respect to the Department's policies and procedures for the promulgation and issuance of rules, including the use of public participation in the rulemaking process.

SHELBY AMENDMENT NO. 5182

Mr. BOND (for Mr. SHELBY) proposed an amendment to the bill, H.R. 3666, supra; as follows:

At the end of title I, add the following:

SEC. 108. (a) The Secretary of Veterans Affairs may convey, without consideration, to the City of Tuscaloosa, Alabama (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 any improvements thereon, in the northwest quarter of section 28, township 21 south, range 9 west, of Tuscaloosa County, Alabama, comprising a portion of the grounds of the Department of Veterans Affairs medical center, Tuscaloosa, Alabama, and consisting of approximately 9.42 acres, more or less.

(b) The conveyance under subsection (a) shall be subject to the condition that the City use the real property conveyed under that subsection in perpetuity solely for public park or recreational purposes.

(c) 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 Veterans Affairs. The cost of such survey shall be borne by the City.

(d) The Secretary of Veterans Affairs 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.

BOND AMENDMENT NO. 5183

Mr. BOND proposed an amendment to the bill, H.R. 3666, supra; as follows:

On page 72, beginning on line 11, strike the phrase beginning with '', but if no drinking water'' and ending with ''as amended'' on line 15.

BENNETT AMENDMENT NO. 5184

Mr. BOND (for Mr. BENNETT) proposed an amendment to the bill, H.R. 3666, supra; as follows:

At the appropriate place insert:

SEC. . GAO AUDIT ON STAFFING AND CONTRACTING.

The Comptroller General shall audit the operations of the Office of Federal Housing

Enterprise Oversight concerning staff organization, expertise, capacity, and contracting authority to ensure that the office resources and contract authority are adequate and that they are being used appropriately to ensure that the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation are adequately capitalized and operating safely.

SARBANES (AND OTHERS) AMENDMENT NO. 5185

Ms. MIKULSKI (for Mr. SARBANES, for himself, Mr. WARNER, Mrs. FEINSTEIN, and Ms. MIKULSKI) proposed an amendment to the bill, H.R. 3666, supra; as follows:

On page 104, below line 24, add the following:

SEC. 421. None of the funds appropriated or otherwise made available to the National Aeronautics and Space Administration by this Act, or any other Act enacted before the date of the enactment of this Act, may be used by the Administrator of the National Aeronautics and Space Administration to relocate aircraft of the National Aeronautics and Space Administration to Dryden Flight Research Center, California, for purposes of the consolidation of such aircraft.

THE ANTARCTIC SCIENCE TOURISM AND CONSERVATION ACT OF 1996

STEVENS AMENDMENT NO. 5186

Mr. BOND (for Mr. STEVENS) proposed an amendment to the bill (S. 1645), a bill to regulate U.S. scientific and tourist activities in Antarctica, to conserve Antarctic resources, and for other purposes; as follows:

At the end of the bill, add the following:

TITLE III—POLAR RESEARCH AND POLICY STUDY

SEC. 301. POLAR RESEARCH AND POLICY STUDY.

Not later than March 1, 1997, the National Science Foundation shall provide a detailed report to the Congress on—

(1) the status of the implementation of the Antarctic Environmental Protection Strategy and Federal funds being used for that purpose;

(2) all of the Federal programs relating to Arctic and Antarctic research and the total amount of funds expended annually for each such program, including—

(A) a comparison of the funding for logistical support in the Arctic and Antarctic;

(B) a comparison of the funding for research in the Arctic and Antarctic;

(C) a comparison of any other amounts being spent on Arctic and Antarctic programs; and

(D) an assessment of the actions taken to implement the recommendations of the Arctic Research Commission with respect to the use of such funds for research and logistical support in the Arctic.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

SUBCOMMITTEE ON PARKS, HISTORIC PRESERVATION, AND RECREATION

Mr. CAMPBELL. Mr. President, I would like to announce for the public that S. 150, a bill to authorize an entrance fee surcharge at the Grand Canyon National Park and S. 340, a bill to direct the Secretary of the Interior to conduct a study concerning equity regarding entrance, tourism, and recreational fees for the use of Federal lands and facilities have been deleted from the agenda of bills to be heard at the hearing scheduled before the Subcommittee on Parks, Historic Preservation, and Recreation of the Committee on Energy and Natural Resources on Thursday, September 12, 1996, at 9:30 a.m., in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

For further information, please contact Jim O'Toole of the subcommittee staff at (202) 224–5161.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce that a full committee hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place Wednesday, September 18, 1996, at 9:30 a.m., in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to receive testimony on S. 1920, a bill to amend the Alaska National Interest Lands Conservation Act, and for other purposes, and S. 1998, a bill to provide for expedited negotiations between the Secretary of the Interior and the villages of Chickaloon-Moose Creek Native Association, Inc., Ninilchik Native Association, Inc., Seldovia Native Association, Inc., Tyonek Native Corporation, and Knikatnu, Inc. regarding the Conveyances of certain lands in Alaska under the Alaska Native Claims Settlement Act, and for other purposes.

Those who wish to testify or to submit written testimony should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. Presentation of oral testimony is by committee invitation only. For further information, please contact Jo Meuse or Brian Malnak at (202) 224–6730.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BOND. 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, September 4, 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. 1678, to abolish the Department of Energy, and for other purposes.

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

SUBCOMMITTEE ON THE JUDICIARY

Mr. BOND. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, September 4, 1996, at 11:30 a.m., to hold an executive business meeting.

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

SUBCOMMITTEE ON THE JUDICIARY

Mr. BOND. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, September 4, 1996, at 2 p.m. to hold a hearing on ''Teenage Drug Use: The Recent Upsurge.''

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. BOND. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, September 4, 1996, at 2 p.m. to hold a closed business meeting.

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

ADDITIONAL STATEMENTS

SMALL BUSINESS JOB PROTECTION ACT

• Mr. FAIRCLOTH. Mr. President, the Senate passed the Small Business Job Protection Act, but I voted against the final bill. I ran for the Senate on a pro-growth and low-tax platform. This bill is a step in the wrong direction. I cannot vote for a bill that raises the minimum wage and thus closes opportunities for thousands of low-skill workers and that raises numerous taxes on the American people and businessmen. However, I will say a few words in support of certain provisions of H.R. 3448, which do, in fact, benefit the public interest.

The bill includes provisions that will contribute to increased savings, higher wages, and improved economic growth. These are three of our most important economic challenges, and, Mr. President, I wish to express my belief that provisions of this bill begin to address these issues.

I am a strong supporter of the expansion of tax-deferred individual retirement accounts [IRA's] to permit nonworking spouses to establish an account and thus defer taxes on a maximum of $2,000 per year. This homemaker IRA provision, which I have cosponsored as a separate bill, is an important tool for families and their efforts to plan for retirement. In fact, over 30 years at a 6 percent rate of return, the homemaker IRA can add close to $150,000 to retirement savings.

The previous law limited a nonworking spouse to a $250 maximum IRA contribution, and, as women often leave the work force to raise their families, the homemaker IRA will help to offset the effects of their smaller pensions. The homemaker IRA thus offers significant assistance to these spouses in their efforts toward a secure retirement.

The pension simplification provisions are an important contribution to the long-term financial security of our citizens. These measures are designed for the benefit of working Americans and will permit small businesses to establish pension plans for their employees. Further, these measures encourage savings and bring additional safeguards to pension plans, which will ensure the financial independence of millions of Americans in their retirement. The bill also includes a provision to clear up longstanding problems that plague church pension plans and will ensure that clergymen will not face unanticipated additional taxes on their modest pensions.

The extension of the tax exclusion for educational assistance is another important aspect of this legislation. This provision will extend the exclusion for those who benefit from employer-provided tuition assistance. There is no reason to penalize workers for the generosity of their employers. The Tax Code cannot ignore the national interest in a well-educated and highly skilled work force.

This bill also includes numerous commonsense tax provisions. The limited extension of the orphan drug tax credit will renew credits to defray the costs of clinical tests for drugs designed to treat rare diseases. The bill also extends the research and experimentation tax credit to encourage investment in innovative approaches and new technologies.

I believe that economic growth is one of our most important concerns—growth has been anemic since President Clinton pushed through his record tax increases of 1993 without a single Republican vote—and the growth provisions will begin to address this issue. The bill boosts the allowance for small business equipment expensing and extends the work opportunity tax credit that brings low-skill people into the work force. Unfortunately, however, the minimum wage increase will erect additional hurdles for those in search of job opportunities.

The minimum wage increase is good politics, but, Mr. President, it is bad economics. It will result in job losses for hundreds of thousands of people in low-skill jobs. It will become prohibitively expensive to hire these workers at increased wages. Further, the increased minimum wage will result in inflationary ripples through the economy as wage costs drive up prices. I also believe that the minimum wage increase is, in effect, an unfunded mandate that will increase labor costs for State and local governments and thus boost tax rates.

If we are serious about growth and the expansion of opportunity, Mr. President, this Congress will focus its attention on small business incentives and pension reforms, not minimum wage increases. We will bring economic opportunities to millions of Americans through elimination of the barriers to entry-level jobs rather than congressional efforts to set wages. After all, the typical worker earns the minimum wage for just a brief period, and the minimum wage is a way-station rather than a destination in American careers.

I wish that the Congress passed a bill that I could support, and, yet, I believe that our obligation is to the Americans of the next generation rather than the political imperatives of the next election. There are some good provisions in this bill, but there are provisions to which I cannot lend my support, and I thus voted against the bill.●

THE 15TH ANNIVERSARY OF EAST SHORE REGIONAL ADULT DAY CENTER

● Mr. LIEBERMAN. Mr. President, I rise today to honor the East Shore Regional Adult Day Center on the occasion of their 15th anniversary.

For the past 15 years, the Adult Day Center has been serving the needs of the elderly and the disabled with loving care. The center has provided medical monitoring, recreational therapeutic treatment, and innovative programs to the mentally and physically challenged adults of the Connecticut community. Over 600 families from the Greater New Haven area have been granted respite from the Adult Day Center and both the State and the Nation have recognized the center with awards for service and humanitarianism.

The East Shore Regional Adult Day Center's dedication and commitment to the citizens of Connecticut can be seen not only through its continued efforts to provide clients and families with comfort and support, but also in its Intergenerational Program, a program designed to involve children from various local schools in the area in activities at the center.

I am confident that I speak for all of the citizens of Connecticut in expressing pride and gratitude for the East Shore Regional Adult Day Center as it celebrates its 15th anniversary. The executive director, Thomas Russell Romano, and his staff have committed themselves to providing much needed care and treatment for the people of Connecticut.●

BUDGET SCOREKEEPING REPORT

● Mr. DOMENICI. Mr. President, I hereby submit to the Senate the budget scorekeeping report prepared by the Congressional Budget Office under section 308(b) and in aid of section 311 of the Congressional Budget Act of 1974, as amended. This report meets the requirements for Senate scorekeeping of section 5 of Senate Concurrent Resolution 32, the first concurrent resolution on the budget for 1986.

This report shows the effects of congressional action on the budget through August 2, 1996. The estimates of budget authority, outlays, and revenues, which are consistent with the technical and economic assumptions of the 1996 concurrent resolution on the budget—House Concurrent Resolution 67, show that current level spending is above the budget resolution by $15.6 billion in budget authority and by $14.3 billion in outlays. Current level is $45 million below the revenue floor in 1996 and $7.8 billion above the revenue floor over the 5 years, 1996–2000. The current estimate of the deficit for purposes of calculating the maximum deficit amount is $259.9 billion, $14.2 billion above the maximum deficit amount for 1996 of $245.7 billion.

Since my last report, dated July 29, 1996, Congress has cleared and the President has signed the 1997 Agriculture appropriations bill (Public Law 104–180, which includes a 1996 supplemental, the Small Business Job Protection Act—Public Law 104–188, the Health Insurance Portability and Accountability Act of 1996—Public Law 104–191, and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996—Public Law 104–193. These actions have changed the current level of budget authority, outlays, and revenues.

This submission also includes my first report for fiscal year 1997, reflecting congressional action through August 2, 1996. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the 1997 concurrent resolution on the budget House Concurrent Resolution 178.

The material follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 3, 1996.

HON. PETE V. DOMENICI,
Chairman, Committee on the Budget, U.S. Senate, Washington DC.

DEAR MR. CHAIRMAN: The attached report for fiscal year 1996 shows the effects of Congressional action on the 1996 budget and is current through August 2, 1996. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the 1996 Concurrent Resolution on the Budget (H. Con. Res. 67). This report is submitted under Section 308(b) and in aid of Section 311 of the Congressional Budget Act, as amended.

Since my last report, dated July 29, 1996, the Congress has cleared and the President has signed the 1997 Agriculture Appropriations Bill (P.L. 104–180), which includes a 1996 supplemental, the Small Business Job Protection Act (P.L. 104–188), the Health Insurance Portability and Accountability Act of 1996 (P.L. 104–191), and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (P.L. 104–193). These actions have changed the current level of budget authority, outlays, and revenues.

Sincerely,

JUNE E. O'NEILL,
Director.

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE, FISCAL YEAR 1996, 104TH CONGRESS, 2D SESSION, AS OF CLOSE OF BUSINESS AUGUST 2, 1996

[In billions of dollars]

	Budget resolution H. Con. Res. 67	Current level	Current level over/under resolution
ON-BUDGET			
Budget Authority[1]	1,285.5	1,301.1	15.6

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE, FISCAL YEAR 1996, 104TH CONGRESS, 2D SESSION, AS OF CLOSE OF BUSINESS AUGUST 2, 1996—Continued

[In billions of dollars]

	Budget resolution H. Con. Res. 67	Current level	Current level over/under resolution
Outlays [1]	1,288.2	1,302.4	14.3
Revenues:			
1996	1,042.5	1,042.5	0.0
1996–2000	5,691.5	5,699.3	7.8
Deficit	245.7	259.9	14.2
Debt Subject to Limit	5,210.7	5,092.8	−117.9
OFF-BUDGET			
Social Security Outlays:			
1996	299.4	299.4	0.0
1996–2000	1,626.5	1,626.5	0.0
Social Security Revenues:			
1996	374.7	374.7	0.0
1996–2000	2,061.0	2,060.6	−0.4

[1] The discretionary spending limits for budget authority and outlays for the Budget Resolution have been revised pursuant to Section 103(c) of P.L. 104–121, the Contract with America Advancement Act.

Note.—Current level numbers are the estimated revenue and direct spending effects of all legislation that Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

THE ON-BUDGET CURRENT LEVEL REPORT FOR THE U.S. SENATE, 104TH CONGRESS, 2D SESSION, SENATE SUPPORTING DETAIL FOR FISCAL YEAR 1996, AS OF CLOSE OF BUSINESS AUGUST 2, 1996

[In millions of dollars]

	Budget authority	Outlays	Revenues
ENACTED IN PREVIOUS SESSIONS			
Revenues			1,042,557
Permanents and other spending legislation	830,272	798,924	
Appropriation legislation		242,052	
Offsetting receipts	−200,017	−200,017	
Total previously enacted	630,254	840,958	1,042,557
ENACTED IN FIRST SESSION			
Appropriation Bills:			
1995 Rescissions and Department of Defense Emergency Supplementals Act (P.L. 104–6)	−100	−885	
1995 Rescissions and Emergency Supplementals for Disaster Assistance Act (P.L. 104–19)	22	−3,149	
Agriculture (P.L. 104–37)	62,602	45,620	
Defense (P.L. 104–61)	243,301	163,223	
Energy and Water (P.L. 104–46)	19,336	11,502	
Legislative Branch (P.L. 105–53)	2,125	1,977	
Military Construction (P.L. 104–32)	11,177	3,110	
Transportation (P.L. 104–50)	12,682	11,899	
Treasury, Postal Service (P.L. 104–52)	23,026	20,530	
Offsetting receipts	−7,946	−7,946	
Authorization Bills:			
Self-Employed Health Insurance Act (P.L. 104–7)	−18	−18	−101
Alaska Native Claims Settlement Act (P.L. 104–42)	1	1	
Fishermen's Protective Act Amendments of 1995 (P.L. 104–43)		(1)	
Perishable Agricultural Commodities Act (P.L. 104–48)	1	(1)	1
Alaska Power Administration Sale Act (P.L. 104–58)	−20	−20	
ICC Termination Act (P.L. 104–88)			(1)
Total enacted first session	366,191	245,845	−100
ENACTED IN SECOND SESSION			
Appropriation Bills:			
Ninth Continuing Resolution (P.L. 104–99) [2]	−1,111	−1,313	
District of Columbia (P.L. 104–122)	712	712	
Foreign Operations (P.L. 104–107)	12,104	5,936	
Offsetting receipts	−44	−44	
Omnibus Rescissions and Appropriations Act of 1996 (P.L. 104–134)	330,746	246,113	
Offsetting receipts	−63,682	−55,154	
1997 Agriculture (P.L. 104–180)	−4		
Authorization Bills:			
Gloucester Marine Fisheries Act (P.L. 104–91) [3]	14,054	5,882	
Smithsonian Institution Commemorative Coin Act (P.L. 104–96)	3	3	
Saddleback-Mountain Arizona Settlement Act (P.L. 104–102)		−7	
Telecommunications Act of 1996 (P.L. 104–104) [4]			
Farm Credit System Regulatory Releif Act (P.L. 104–105)	−1	−1	
National Defense Authorization Act of 1996 (P.L. 104–106)	369	367	
Extension of Certain Expiring Authorities of the Department of Veterans Affairs (P.L. 104–110)	−5	−5	
To award Congressional Gold Medal to Ruth and Billy Graham (P.L. 104–111)	(1)	(1)	
An Act Providing for Tax Benefits for Armed Forces in Bosnia, Herzegovina, Croatia and Macedonia (P.L. 104–117)			−38
Contract with America Advancement Act (P.L. 104–121)	−120	−6	
Agriculture Improvement and Reform Act (P.L. 104–127)	−325	−744	
Federal Tea Tasters Repeal Act of 1996 (P.L. 104–128)			(1)
Antiterroriam and Effective Death Penalty Act (P.L. 104–132)			2
An Act to Amend the Foreign Assistance Act of 1961 and the Arms Export Control Act (P.L. 104–164)	−72	−72	
The Taxpayer Bill of Rights 2 (P.L. 104–168)			−30
Small Business Job Protection Act (P.L. 104–188)			92
Health Insurance Portability and Accountability Act of 1996 (P.L. 104–191)		10	62
Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (P.L. 104–193)	104		
An Act for the Relief of Benchmark Rail Group, Inc. (Pvt. L. 104–1)		1	
An Act for the Relief of Nathan C. Vance (Pvt. L. 104–2)	(1)	(1)	
Total enacted second session	292,727	201,679	88
ENTITLEMENTS AND MANDATORIES			
Budget resolution baseline estimates of appropriated entitlements and other mandatory programs not yet enacted	11,913	13,951	
TOTALS			
Total Current Level [5]	1,301,085	1,302,434	1,042,545
Total Budget Resolution	1,285,515	1,288,160	1,042,500
Amount remaining:			
Under Budget Resolution			−45
Over Budget Resolution	15,570	14,274	

[1] Less than $500,000.
[2] P.L. 104–99 provides funding for specific appropriated accounts until September 30, 1996.
[3] This bill, also referred to as the sixth continuing resolution for 1996, provides funding until September 30, 1996, for specific appropriated accounts.
[4] The effects of this act on budget authority, outlays, and revenues begin in fiscal year 1997.
[5] In accordance with the Budget Enforcement Act, the total does not include $4,785 million in budget authority and $2,686 million in outlays for funding of emergencies that have been designated as such by the President and the Congress.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 3, 1996.

Hon. PETE V. DOMENICI,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The attached report, my first for fiscal year 1997, shows the effects of Congressional action on the 1997 budget and is current through August 2, 1996. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the 1997 Concurrent Resolution on the Budget (H. Con. Res. 178). This report is submitted under Section 308(b) and in aid of Section 311 of the Congressional Budget Act, as amended.

Sincerely,

JUNE E. O'NEILL,
Director.

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE, FISCAL YEAR 1997, 104TH CONGRESS, 2D SESSION, AS OF CLOSE OF BUSINESS AUGUST 2, 1996

[In billions of dollars]

	Budget resolution H. Con. Res. 178	Current level	Current level over/under resolution
ON-BUDGET			
Budget Authority	1,314.8	844.5	−470.2
Outlays	1,311.0	1,032.0	−279.0
Revenues:			
1997	1,083.7	1,101.6	17.8
1997–2001	5,913.3	6,012.7	99.4
Deficit	227.3	−69.6	−269.9
Debt Subject to Limit	5,432.7	5,041.5	−391.2
OFF-BUDGET			
Social Security Outlays:			
1997	310.4	310.4	0.0
1997–2001	2,061.3	2,061.3	0.0
Social Security Revenues:			
1997	385.0	384.7	−0.3
1997–2001	2,121.0	2,120.6	−0.4

Note.—Current level numbers are the estimated revenue and direct spending effects of all legislation that Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

THE ON-BUDGET CURRENT LEVEL REPORT FOR THE U.S. SENATE 104TH CONGRESS, 2D SESSION SENATE SUPPORTING DETAIL FOR FISCAL YEAR 1997, AS OF CLOSE OF BUSINESS AUGUST 2, 1996

[In millions of dollars]

	Budget authority	Outlays	Revenues
ENACTED IN PREVIOUS SESSIONS			
Revenues	.....	.....	1,100,355
Permanents and other spending legislation	843,212	804,226	.....
Appropriation legislation	.....	238,509	.....
Offsetting receipts	−199,772	−199,772	.....
Total previously enacted	643,440	842,963	1,100,355
ENACTED THIS SESSION			
Appropriations Bills:			
Agriculture (P.L. 104–180)	52,345	44,936	.....
Authorization Bills:			
Taxpayer Bill of Rights 2 (P.L. 104–168)	.....	.....	−15
Federal Oil & Gas Royalty Simplification & Fairness Act of 1996 (P.L. 104–185)	−2	−2	.....
Small Business Job Protection Act of 1996 (P.L. 104–188)	−76	−76	579
An Act to Authorize Voluntary Separation Incentives at A.I.D. (P.L. 104–190)	−1	−1	.....
Health Insurance Portability & Accountability Act of 1996 (P.L. 104–191)	305	315	590
Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (P.L. 104–193)	−2,341	−2,934	60
Total enacted this session	50,230	42,238	1,214

THE ON-BUDGET CURRENT LEVEL REPORT FOR THE U.S. SENATE 104TH CONGRESS, 2D SESSION SENATE SUPPORTING DETAIL FOR FISCAL YEAR 1997, AS OF CLOSE OF BUSINESS AUGUST 2, 1996—Continued

[In millions of dollars]

	Budget authority	Outlays	Revenues
ENTITLEMENTS AND MANDATORIES			
Budget resolution baseline estimates of appropriated entitlements and other mandatory programs not yet enacted	150,853	146,763	.....
Total Current Level[1]	844,523	1,031,964	1,101,569
Total Budget Resolution	1,314,760	1,311,011	1,083,728
Amount remaining:			
Under Budget Resolution	470,237	279,047	.....
Over Budget Resolution	.....	.....	17,841

[1] In accordance with the Budget Enforcement Act, the total does not include $37 million in outlays for funding of emergencies that have been designated as such by the President and Congress.•

SOUTHERN MARYLAND'S HISTORY—THE 100TH ANNIVERSARY OF THE CHARLES COUNTY COURTHOUSE

• Mr. SARBANES. Mr. President, Southern Maryland is rich in history—a history that has helped make our State and our Nation great. Southern Maryland is also the fastest growing part of the State of Maryland with thousands of jobs coming into the area as a result of the favorable recommendations of the Base Realignment and Closure Commission.

On September 8 in Charles County, the region pauses from the hustle and bustle in the area to mark a milestone in Southern Maryland's history with the 100th anniversary celebration of the Charles County Courthouse in the Town of LaPlata.

The Maryland Independent on September 4 included a supplement to its newspaper on the history of the Charles County Courthouse and its initiation through construction and subsequent additions.

Mr. President, I ask that the article be printed in the RECORD.

The article follows:

[From the Maryland Independent, Sept. 4, 1996]

ONE HUNDRED YEARS OF COURTHOUSE HISTORY

The 1896 courthouse is the last of four structures the county judicial and administrative bodies have occupied in the county's 338 years. In 1674, a building was erected at Moore's Lodge about one mile from La Plata. This building was abandoned in 1728, and the Charles County Court moved to Port Tobacco where the Maryland State Assembly authorized the building of a jail and a new courthouse.

Over time, the 1727–30 building became old and inadequate and a new courthouse was occupied by September 1821. It is this building that was destroyed by fire in 1892 in the midst of a bitter controversy over moving the courthouse to La Plata, and in 1896 a brick Victorian Gothic edifice was built on the present site.

The front facade was renovated in 1954 as it is seen today. In the middle 1970s, the rear of the building was extended in a typical 18th-century style, completely enclosing the 1896 structure.

THE FIRST COURTHOUSE

Charles County, named for Lord Baltimore's son and heir apparent, Charles Calvert, was formally established in 1658. The court sat for the first time on May 25, 1658, and it is believed its first meetings were held at what is now Port Tobacco; however, there is no indication in the earliest records that this was the case. The first two volumes of the court records covering the period 1658–66 mention the exact meeting place only twice: ''At A Counties Court Held at Humpherie Atwikses the 4th of June A 1658,'' and ''The Court is Adiourned until the 12th of March A 1660 & appoynted to bee held at Clement Theobals hows.''

According to the plaque in the 1954 addition to the present courthouse, the first Charles County Courthouse was built in 1658 and it is described as ''One room built of logs, located on the western shore of Port Tobacco Creek.''

COURTHOUSE AT MOORE'S LODGE

It was not until 1674 that a permanent location for a courthouse and prison was decided on. In the late fall of 1674, the county entered into a contract with John Allen to purchase Moore's Lodge, a one-acre tract of land on which Allen was then building a house. For a consideration of 20,000 pounds of tobacco, Allen contracted to have both the prison, a simple building, and the courthouse, which was of the cross style, ready for use by May 1675.

The clapboard-sheathed, timber-framed structure built in 1674 was located a mile south of La Plata and eventually abandoned in 1728. The courthouse, a one-story, one-room building with two small shed rooms at the rear, a two-story porch tower centered on the front and a brick outside chimney at one end, was initially intended for use as a dwelling.

Apparently Allen found himself unable to fulfill his agreement for at the January term, 1677, Thomas Hussey was given 20,000 pounds of tobacco for finishing the courthouse and the two rooms in the shed behind, ''all of this to be done by September court following.''

In 1682, after eight years of service, the courthouse was lengthened by 10 feet to provide for a ''seat of Judicature.'' In September 1692, it was noted that the 1682 addition ''wherein ye seat of judicature is, is very leaky.''

In 1699, 25 years after its initial construction, the courthouse had to be almost entirely rebuilt. Work included extensive repairs to the supporting frame and replacement of the original chimney, exterior sheathing, floors, stairs, doors and windows. The rear shed rooms were removed and a 20-foot square room ''with an Outside Chimney & Closett'' was erected in their place Despite this extensive renovation, the courthouse required further substantial repairs by 1715.

About 10 years after the repairs, the building was again ''impaired, ruined and decayed.'' After deciding they had spent more than enough money and effort to keep the building standing, the commissioners petitioned the Assembly to build a new courthouse and prison on a site adjacent to the port settlement known as Chandler Town, then Charles Town and later as Port Tobacco. In 1731, the courthouse at Moore's Lodge was demolished and sold for salvage.

COURTHOUSE AT CHANDLER TOWN—CHARLES TOWN—PORT TOBACCO

In 1727, permission was granted to build a new courthouse . . .

''That the Justices of Charles County-court...are hereby authorized . . . to go to such Place commonly known by the name of Chandler-Town, on the East Side of Port-Tobacco Creek . . .''

Once the site had been chosen and the courthouse was under construction, the Assembly passed another act permitting the

laying out of land and erecting a town adjacent to the new courthouse and the name was to be changed from Chandler Town to Charles Town.

There perhaps has been a settlement at Chandler Town as early as 1686, but by 1727 the buildings were in ruin or gone and titles uncertain. A commission was chosen to select three acres within the town to be surveyed for the new courthouse and to fix a fair price. The survey was completed on Dec. 20, 1727, and the price was 2,000 pounds of tobacco. The commission then contracted with Robert Hanson and Joshua Doyne to build a courthouse and prison, stocks and pillory for 122,000 pounds of tobacco. Since the specifications for the building were lost, there is no information available on the structure other than it was probably brick because of the cost.

The date it was completed is confirmed by a note in the court proceedings of Aug. 11, 1730:

''The Court adjourns til tomorrow morning Eight o'clock to meet at the new Court house in Charles Town.''

SECOND COURTHOUSE AT CHARLES TOWN—PORT TOBACCO

The 1727–30 building became old and inadequate, and the effort to replace it began with the demand for a new jail. In 1811, an act was passed to permit the Levy Court of Charles County to raise $2,000 for this purpose.

Four years later, the commissioners, who had been appointed to build the jail, were authorized to levy an additional $3,000 in the same manner and to devote the entire sum to the building of a new courthouse at Charles Town, and nothing more is mentioned about the jail. The courthouse could not be finished for the amount estimated, and the General Assembly had to be petitioned for a revision upward. in 1818, the Assembly authorized the levying of an additional sum not to exceed $15,000.

The new courthouse was occupied by the county in September 1821 and is generally associated with Port Tobacco, since it is the only one of which there is any type of pictorial representation. It was often confused as the first courthouse of the county. Also about this time, public sentiment succeeded in having the name Charles Town changed officially to Port Tobacco.

This courthouse continued in service until the fire of Aug. 3, 1892, when it was completely destroyed.

The circumstances surrounding the fire are curious. The town of La Plata, three miles north of Port Tobacco, began around 1873. Soon thereafter, the Popes Creek Railroad established a line of communication (railroad and telegraph station) between the village and the rest of the state. As a result it grew, and Port Tobacco declined. Sentiment grew to remove the county seat to La Plata, and a bill was passed in the General Assembly in 1882 for this purpose. The move was defeated by referendum and no further action was attempted until 1890 when a similar bill was introduced. The bill was passed, but was vetoed by the governor.

At the next session, a bill was introduced and approved by the governor which provided for a special referendum to be held May 7, 1892, to decide the issue between the two towns. The proposal was defeated by a vote of 995–1,329. During the night of Aug. 3 the courthouse burned. The cause of the fire was undetermined, but fortunately all the records had been carefully removed before the fire. No one was ever prosecuted and no one ever admitted to knowledge of the deed.

Whatever the cause, the fire did settle the issue for Port Tobacco. Feelings ran high that it was impractical to rebuild the courthouse at Port Tobacco since it had long since lost its entrance to the sea because of silting and had been bypassed by the railroad.

When the question was brought before the General Assembly in 1894, the rivals for the county seat were La Plata and Chapel Point. Subsequently, a special election was held, and at midnight on June 4, 1895, La Plata became the county seat. Provision was also made for a $20,000 bond issue for a new courthouse and jail.

FIRST COURTHOUSE AT LA PLATA

The same law empowered the building commissioners to sell the old courthouse and jail lots and to apply the proceeds to the cost of the new buildings. This was done, and Port Tobacco rapidly declined. It was taken in hand again 50 years later by the Society for the Restoration of Port Tobacco with little left but the memory of the public buildings.

The courthouse in La Plata was built of red brick in a rather imposing, but unattractive Victorian style. The architect of the building, completed in 1896; was Joseph C. Johnson, and the contractor was James Haislip. They worked under the supervision of a building committee including Dr. James J. Smoot, William Wolfe, J. Hubert Roberts, John H. Mitchell, John W. Waring, Adrian Posey and George W. Gray.

The general style of architecture was Romanesque and was finished in pressed brick with slate roofing. It was 90 feet long, 52 feet wide and 30 feet high with a 70-foot tower in the front.

There were five offices on the first floor. The county commissioners shared a large office with the school superintendent. The clerk of court's office included a vault for court records and a working area. The county treasurer and register of wills occupied offices on each, side of the main entrance. The state's attorney and sheriff shared a small office in the rear of the building. Each office was equipped with a cuspidor to accommodate the tobacco-chewing occupants and visitors.

A large rope hung from the belfry to the second floor landing which was used to ring the courthouse bell. The bell was tolled each day at 10 a.m. by the clerk of the court or a bailiff to announce the beginning of a session.

The second floor included a court room in the center to accommodate 250 persons, with a law library to the rear and rooms for the grand and petit juries. There were two restrooms in the basement adjacent to the furnace room. There were four fireplaces in the courthouse, and, though not used, existed until the 1954 addition.

The first meeting of the county commissioners in their new quarters in the courthouse was on Jan. 5, 1897, and the first-ever term of the circuit court in the new courthouse began in February 1897.

The jail built in the courtyard behind the courthouse was two stories high and made of stone, brick and cement. There were rooms on the first floor for the jailor and cells on the second floor for the prisoners. Its cost was $2,500 and considered fireproof. Criminals condemned to death were hanged from a gallows just outside its walls.

ADDITIONS TO THE COURTHOUSE AT LA PLATA

The first addition to the 1896 courthouse was in 1949. It consisted of two restrooms and an office for the clerk of the court on the first floor. The second floor of this addition provided for an addition to the law library and an office and restroom for the country's newly appointed judge, J. Dudley Digges, who at age 37 was the youngest circuit judge in the state. The addition was made to the rear of the courthouse, and the contractor was Cleveland Herbert of Hughesville.

The courthouse changed little inwardly and not at all outwardly until 1954. In 1953, the Greek Revival facade of the building was added as the south addition to the original. The architect was Frederick Tilp (who also designed the county seal), and the contractor was Kahn Engineering Co. of Washington, D.C.

Dedicated on Oct. 2, 1954, the renovations had been sponsored by county commissioners William Boone, Bernard Perry and Calvin Compton. The building committee was chaired by Judge John Dudley Digges, with DeSales Mudd, Patrick Mudd, Calvin Compton and J. Hampton Elder as members. The cost was around $300,000. The commissioners to whom the building was turned over were John Sullivan, W. Edward Berry and Lemuel W. Wilmer.

The 1954 addition created much needed space for all courthouse occupants. The new front provided offices for the county commissioners in the east wing. The register of wills, trial magistrate and sheriff occupied the west wing. The county treasurer and assessor took over the west wing of the old building along with the state's attorney. The clerk of court's office was extended to include the entire east wing of the old building. The east wing of the second floor of the new front was occupied by the superintendent of schools and the entire staff of the board of education.

In addition to the planned office space, rooms were added by means of temporary partitions to make space for probation, county roads superintendent and town commission officials. The new library occupied a wing of the courthouse.

Two of the old, high desks used in the last Port Tobacco courthouse were saved, like the records, from the fire. One is in the trial magistrate's office and the other is in the office of the supervisor of assessments.

The former jail, occupied for a time by the library and county agent's office, housed the Children's Aid Society and possibly the surveyor's office. In later years, the former local jail became home to the county's parks and recreation department, Economic Development Commission and currently houses a division of the sheriff's office.

The first fence around the courthouse yard was a wooden board fence which was replaced by a black pipe fence until 1954 when a brick serpertine wall was erected duplicating the one Thomas Jefferson designed for the University of Virginia at Charlottesville.

In 1974, the center section and north addition was completed in Georgian design and added an additional 35,000 square feet to the building. Baltimore architects Wrenn, Lewis and Jencks designed the addition. Renovation was directed by county commissioners James C. Simpson, Michael J. Sprague and Eleanor Carrico. The building committee was chaired by Judge James C. Mitchell with Judge George Bowling, J. Douglas Lowe, John McWilliams, Thomas F. Mudd, and Gertrude Wright assisting. The construction, begun in 1973, was by the Davis Corp. of La Plata, with the cost at $2,038,238.

In 1965, plans for the addition were halted when the voters failed to give the county bonding authority to finance the project.

During the renovation, court was conducted in the social hall of Christ Church, and the treasurer's office was in the basement of Sacred Heart Catholic Church.

In 1988, county government offices moved from the courthouse to the former Milton Somers Middle School building. Now the courthouse includes the circuit and district courts, and offices of the state's attorney, clerk of the circuit court and register of wills.

Mr. SARBANES. Mr. President, in closing, I ask my colleagues to join me and the citizens of southern Maryland

in celebrating the 100th anniversary of the Charles County Courthouse. Steeped in the rich history of southern Maryland, this structure serves as a bridge from the past to the emerging hi-tech area that southern Maryland is rapidly becoming.●

TRIBUTE TO CONSTITUTION WEEK

● Mr. BOND. Mr. President, I rise today to pay a special tribute to Constitution Week and Citizenship Day. It is a great pleasure to recognize these two events as annual occasions that will continue to remind our Nation's future generations of the importance of constitutional government.

In 1952, to commemorate the signing of the Constitution, the U.S. Congress authorized an annual Presidential proclamation designating September 17 as Citizenship Day. Later, on August 2, 1955, the Daughters of the American Revolution proposed and Congress approved a second resolution authorizing the President to designate annually the week of September 17–23 as Constitution Week.

I believe that both of these occasions provide the American people with the opportunity to learn about and reflect upon the rights and priveleges of citizenship which are protected by the Constitution. This year, as we celebrate Constitution Week and Citizenship Day, I invite every citizen and institution to join in the national commemoration.●

THE 50TH ANNIVERSARY OF JUNIOR ACHIEVEMENT OF WESTERN CONNECTICUT

● Mr. LIEBERMAN. Mr. President, I rise today to honor the Junior Achievement of Western Connecticut as it celebrates its 50th anniversary this year.

For the past 50 years, Junior Achievement has been dedicated to serving over 5,000 children in my home State of Connecticut. It gives me great pleasure to acknowledge the accomplishments of an organization that recognizes the needs of today's youth.

I am especially proud of the Junior Achievement Program's ability to motivate over 2,000 volunteers to participate in this year's event. We share the sentiment that by educating our children now, they will be better prepared to enter the workplace in the future.

Again, Mr. President, I would like to congratulate Junior Achievement of Western Connecticut on the occasion of its 50th anniversary. Junior Achievement has served the people of Connecticut through organized events such as their annual Bowl-A-Thon, which will celebrate its 11th anniversary on November 2. I thank Chairman Ronald J. Martin, his staff, and the thousands of Junior Achievement volunteers for their service, dedication, and contribution to the Connecticut community.●

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 104–31; TREATY DOCUMENT NO. 104–32; AND TREATY DOCUMENT NO. 104–33

Mr. BOND. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following three treaties transmitted to the Senate on September 4, 1996, by the President of the United States:

Taxation Convention with Austria; Taxation Protocol Amending Convention with Indonesia; and Taxation Convention with Luxembourg.

I further ask that the treaties be considered as having been read the first time; that they be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's messages be printed in the RECORD.

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

The messages of the President are as follows:

To the Senate of the United States:

I transmit herewith for Senate advice and consent to ratification the Convention Between the United States of America and the Republic of Austria for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income, signed at Vienna May 31, 1996. Enclosed is an exchange of notes with an attached Memorandum of Understanding, which provides clarification with respect to the application of the Convention in specified cases. Also transmitted for the information of the Senate is the report of the Department of State with respect to the Convention.

This Convention, which is similar to tax treaties between the United States and other OECD nations, provides maximum rates of tax to be applied to various types of income and protection from double taxation of income. The Convention also provides for exchange of information to prevent fiscal evasion and sets forth standard rules to limit the benefits of the Convention to persons that are not engaged in treaty shopping.

I recommend that the Senate give early and favorable consideration to this Convention and give its advice and consent to ratification.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 4, 1996.*

To the Senate of the United States:

I transmit herewith for Senate advice and consent to ratification a Protocol, signed at Jakarta July 24, 1996, Amending the Convention Between the Government of the United States of America and the Government of the Republic of Indonesia for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income, with a Related Protocol and Exchange of Notes Signed at Jakarta on the 11th Day of July, 1988. Also transmitted for the information of the Senate is the report of the Department of State with respect to the Protocol.

This Protocol reduces the rates of tax to be applied to various types of income earned by U.S. firms operating in Indonesia.

I recommend that the Senate give early and favorable consideration to this Protocol and give its advice and consent to ratification.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 4, 1996.*

To the Senate of the United States:

I transmit herewith for Senate advice and consent to ratification the Convention Between the Government of the United States of America and the Government of the Grand Duchy of Luxembourg for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income and Capital, signed at Luxembourg April 3, 1996. Accompanying the Convention is a related exchange of notes providing clarification with respect to the application of the Convention in specified cases. Also transmitted for the information of the Senate is the report of the Department of State with respect to the Convention.

This Convention, which is similar to tax treaties between the United States and other OECD nations, provides maximum rates of tax to be applied to various types of income and protection from double taxation of income. The Convention also provides for exchange of information to prevent fiscal evasion and sets forth standard rules to limit the benefits of the Convention to persons that are not engaged in treaty shopping.

I recommend that the Senate give early and favorable consideration to this Convention and give its advice and consent to ratification.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 4, 1996.*

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 104–30

Mr. BOND. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaty transmitted to the Senate on September 3, 1996, by the President of the United States:

Taxation Agreement with Turkey.

I further ask that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

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

The message of the President is as follows:

To the Senate of the United States:

I transmit herewith for Senate advice and consent to ratification the Agreement Between the Government of the

United States of America and the Government of the Republic of Turkey for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income, together with a related Protocol, signed at Washington March 28, 1996. Also transmitted for the information of the Senate is the report of the Department of State with respect to the Agreement.

This Agreement, which is similar to tax treaties between the United States and other OECD nations, provides maximum rates of tax to be applied to various types of income, protection from double taxation of income, exchange of information to prevent fiscal evasion, and standard rules to limit the benefits of the Agreement to persons that are not engaged in treaty shopping.

I recommend that the Senate give early and favorable consideration to this Agreement and related Protocol and give its advice and consent to ratification.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 3, 1996.*

REGARDING LAND CLAIMS OF PUEBLO OF ISLETA INDIAN TRIBE

Mr. BOND. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 740.

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

The clerk will report.

The bill clerk read as follows:

A bill (H.R. 740) to confer jurisdiction on the United States Court of Federal Claims with respect to land claims of Pueblo of Isleta Indian Tribe.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. BOND. Mr. President, I ask unanimous consent that the bill be deemed read the third time, passed, and the motion to reconsider be laid upon the table.

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

The bill (H.R. 740) deemed read the third time and passed.

ANTARCTIC SCIENCE TOURISM AND CONSERVATION ACT OF 1996

Mr. BOND. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar 513.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A bill (S. 1645) to regulate U.S. scientific and tourist activities in Antarctica, to conserve Antarctic resources, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

ANTARCTICA SCIENCE, TOURISM, AND CONSERVATION ACT OF 1996

Mr. PRESSLER. Mr. President, as chairman of the Committee on Commerce, Science, and Transportation, I am pleased we are able to bring to the Senate S. 1645, the Antarctica Science, Tourism, and Conservation Act of 1996, a bill introduced by Senator KERRY and cosponsored by Senator HOLLINGS. The bill has been considered by the Committee on Commerce, Science, and Transportation, and was reported June 6, 1996. A similar bill, H.R. 3060, introduced by Congressman WALKER of the House of Representatives has been adopted by the House.

During consideration of the bill, Senator STEVENS had asked that he be allowed to provide an amendment addressing Arctic research programs to the bill prior to floor action. The amendment that has been included does that.

S. 1645, amends the Antarctic Conservation Act to make the existing law governing U.S. research activities in Antarctica consistent with the requirements of the Protocol on the Environmental Protection to the Antarctica Treaty. As under current law, the National Science Foundation would remain the lead agency in managing the Antarctic science program, and in issuing regulations and research permits.

In addition, the bill would amend the Antarctic Conservation Act to: First, use established procedures under the National Environmental Policy Act to meet the protocol mandate for comprehensive assessment and monitoring of the effects of both governmental and nongovernmental activities on the fragile Antarctic ecosystem; second, prohibit introduction of prohibited products and open burning or disposal of any waste onto ice-free land areas or into fresh water systems in Antarctica; and third, require a permit for any incineration, waste disposal, entry in special areas, and takings or harmful interference.

Mr. President, this bill also amends the Antarctic Protection Act to continue indefinitely a ban on Antarctic mineral resource activities. And finally, the bill amends the act to Prevent Pollution from Ships to implement provisions of the protocol relating to protection of marine resources.

Mr. President, the amendment that has been added simply requires that the National Science Foundation report to Congress not later than March 1, 1997, on the use and amounts of funding provided for Federal polar research programs. This report will allow Congress to reexamine funding priorities for Arctic and Antarctic research programs.

Mr. HOLLINGS. Mr. President, today I rise to support final passage of the Antarctic Science, Tourism, and Conservation Act of 1996, legislation to implement the protocol on Environmental Protection to the Antarctic Treaty, a longstanding concern of the American scientific community and environmental groups. The protocol was signed by the United States 5 years ago and approved by the Senate in the 102d Congress, but implementing legislation remains to be completed. Senator KERRY and I introduced S. 1645 earlier this year to accomplish that task.

In pressing for legislation, our primary objective has been to provide a balanced approach that preserves both the environment and the ability to conduct scientific research in the Antarctic. Having had the opportunity to visit Antarctica, I can attest to its special beauty and pristine wilderness. While on the continent, I was impressed by a number of dedicated scientists operating under difficult circumstances to help us to understand better our global environment. The Antarctic provides scientists with a truly unique laboratory to conduct activities that cannot be done anywhere else. However, as important as these scientific activities are, we must be honest and accept the fact that the U.S. Antarctic Program has not always been the best steward of the Antarctic environment. Scientists themselves understand the critical importance of preserving the Antarctic as a natural reserve for generations to come. While much has been done in recent years to improve U.S. operations in the Antarctic, S. 1645 will help to ensure that present and future U.S. activities by scientists, explorers, tourists, and others comply with the highest environmental standards.

Mr. President, I commend the Senator from Massachusetts, Senator KERRY, for his persistent and thoughtful leadership in balancing environmental protection and the pursuit of greater scientific understanding. And I urge my colleagues to support final passage of this legislation today.

AMENDMENT NO. 5186

(Purpose: To provide for a polar research and policy study)

Mr. BOND. Mr. President, Senator STEVENS has an amendment at the desk. I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Missouri [Mr. BOND], for Mr. STEVENS, proposes an amendment numbered 5186.

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

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

The amendment is as follows:

At the end of the bill, add the following:

TITLE III—POLAR RESEARCH AND POLICY STUDY

SEC. 301. POLAR RESEARCH AND POLICY STUDY.

Not later than March 1, 1997, the National Science Foundation shall provide a detailed report to the Congress on—

(1) the status of the implementation of the Arctic Environmental Protection Strategy and Federal funds being used for that purpose;

(2) all of the Federal programs relating to Arctic and Antarctic research and the total

amount of funds expended annually for each such program, including—

(A) a comparison of the funding for logistical support in the Arctic and Antarctic;

(B) a comparison of the funding for research in the Arctic and Antarctic;

(C) a comparison of any other amounts being spent on Arctic and Antarctic programs; and

(D) an assessment of the actions taken to implement the recommendations of the Arctic Research Commission with respect to the use of such funds for research and logistical support in the Arctic.

Mr. STEVENS. Mr. President, today before the Senate is S. 1645, the Antarctica Science, Tourism, and Conservation Act of 1996. This bill was introduced on March 26, 1996, by Senator KERRY and Senator HOLLINGS. House Science Committee Chairman WALKER has sponsored similar legislation, H.R. 3060, which the House passed earlier this year, provides for the U.S. implementation of the Protocol on the Environmental Protection to the Antarctica Treaty.

This legislation will help protect the natural resources of the Antarctica by establishing regulations to protect native species, prevent marine pollution, manage waste disposal, and extend specially protected areas. It will implement the Environmental Protocol to the Antarctica Treaty.

I support S. 1645, and ask for unanimous consent that I be added as a cosponsor. In addition, I am offering an amendment that is equally important to the protection of the Arctic, an area very important to my State and for the entire Nation. My amendment would require the National Science Foundation to report to Congress on the status of its implementation of the Arctic environmental protection strategy. We are very concerned about delays and inadequate funding for this important environmental initiative.

My amendment would also require the National Science Foundation to report to Congress on the use and amounts of funding provided for Federal polar research programs, and tell us why they have not followed some of the recommendations of the Arctic Research Commission.

I have spoken to Chairman WALKER in the House, and explained this amendment to him. I do not believe there is any opposition to it in the Senate.

Mr. BOND. Mr. President, I ask unanimous consent that the amendment be considered as read and agreed to, the bill be deemed read a third time, the Senate then immediately proceed to Calendar No. 445, H.R. 3060; further, that all after the enacting clause be stricken and the text of S. 1645 be inserted in lieu thereof, the bill then be deemed read a third time and passed, as amended, the motion to reconsider be laid upon the table, and that any statements relating to the bill be placed at the appropriate place in the RECORD.

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

The amendment (No. 5186) was agreed to.

The bill (S. 1645), as amended, was deemed read for a third time.

The bill (H.R. 3060), as amended, was deemed read a third time, and passed as follows:

Resolved, That the bill from the House of Representatives (H.R. 3060) entitled ''An Act to implement the Protocol on Environmental Protection to the Antarctic Treaty'', 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 ''Antarctic Science, Tourism, and Conservation Act of 1996''.

TITLE I—AMENDMENTS TO THE ANTARCTIC CONSERVATION ACT OF 1978

SEC. 101. FINDINGS AND PURPOSE.

(a) FINDINGS.—Section 2(a) of the Antarctic Conservation Act of 1978 (16 U.S.C. 2401(a)) is amended—

(1) by redesignating paragraphs (1) and (2) as paragraphs (4) and (5) respectively, and inserting before paragraph (4), as redesignated, the following:

''(1) for well over a quarter of a century, scientific investigation has been the principal activity of the Federal Government and United States nationals in Antarctica;

''(2) more recently, interest of American tourists in Antarctica has increased;

''(3) as the lead civilian agency in Antarctica, the National Science Foundation has long had responsibility for ensuring that United States scientific activities and tourism, and their supporting logistics operations, are conducted with an eye to preserving the unique values of the Antarctic region;'';

(2) by striking ''the Agreed Measures for the Conservation of Antarctic Fauna and Flora, adopted at the Third Antarctic Treaty Consultative Meeting, have established a firm foundation'' in paragraph (4), as redesignated, and inserting ''the Protocol establish a firm foundation for the conservation of Antarctic resources,'';

(3) by striking paragraph (5), as redesignated, and inserting the following:

''(5) the Antarctic Treaty and the Protocol establish international mechanisms and create legal obligations necessary for the maintenance of Antarctica as a natural reserve devoted to peace and science.''.

(b) PURPOSE.—Section 2(b) of such Act (16 U.S.C. 2401(b)) is amended by striking ''Treaty, the Agreed Measures for the Conservation of Antarctic Fauna and Flora, and Recommendation VII-3 of the Eighth Antarctic Treaty Consultative Meeting'' and inserting ''Treaty and the Protocol''.

SEC. 102. DEFINITIONS.

Section 3 of the Antarctic Conservation Act of 1978 (16 U.S.C. 2402) is amended to read as follows:

''SEC. 3. DEFINITIONS.

''For purposes of this Act—

''(1) the term 'Administrator' means the Administrator of the Environmental Protection Agency;

''(2) the term 'Antarctica' means the area south of 60 degrees south latitude;

''(3) the term 'Antarctic Specially Protected Area' means an area identified as such pursuant to Annex V to the Protocol;

''(4) the term 'Director' means the Director of the National Science Foundation;

''(5) the term 'harmful interference' means—

''(A) flying or landing helicopters or other aircraft in a manner that disturbs concentrations of birds or seals;

''(B) using vehicles or vessels, including hovercraft and small boats, in a manner that disturbs concentrations of birds or seals;

''(C) using explosives or firearms in a manner that disturbs concentrations of birds or seals;

''(D) willfully disturbing breeding or molting birds or concentrations of birds or seals by persons on foot;

''(E) significantly damaging concentrations of native terrestrial plants by landing aircraft, driving vehicles, or walking on them, or by other means; and

''(F) any activity that results in the significant adverse modification of habitats of any species or population of native mammal, native bird, native plant, or native invertebrate;

''(6) the term 'historic site or monument' means any site or monument listed as an historic site or monument pursuant to Annex V to the Protocol;

''(7) the term 'impact' means impact on the Antarctic environment and dependent and associated ecosystems;

''(8) the term 'import' means to land on, bring into, or introduce into, or attempt to land on, bring into or introduce into, any place subject to the jurisdiction of the United States, including the 12-mile territorial sea of the United States, whether or not such act constitutes an importation within the meaning of the customs laws of the United States;

''(9) the term 'native bird' means any member, at any stage of its life cycle (including eggs), of any species of the class Aves which is indigenous to Antarctica or occurs there seasonally through natural migrations, and includes any part of such member;

''(10) the term 'native invertebrate' means any terrestrial or freshwater invertebrate, at any stage of its life cycle, which is indigenous to Antarctica, and includes any part of such invertebrate;

''(11) the term 'native mammal' means any member, at any stage of its life cycle, of any species of the class Mammalia, which is indigenous to Antarctica or occurs there seasonally through natural migrations, and includes any part of such member;

''(12) the term 'native plant' means any terrestrial or freshwater vegetation, including bryophytes, lichens, fungi, and algae, at any stage of its life cycle (including seeds and other propagules), which is indigenous to Antarctica, and includes any part of such vegetation;

''(13) the term 'non-native species' means any species of animal or plant which is not indigenous to Antarctica and does not occur there seasonally through natural migrations;

''(14) the term 'person' has the meaning given that term in section 1 of title 1, United States Code, and includes any person subject to the jurisdiction of the United States and any department, agency, or other instrumentality of the Federal Government or of any State or local government;

''(15) the term 'prohibited product' means any substance banned from introduction onto land or ice shelves or into water in Antarctica pursuant to Annex III to the Protocol;

''(16) the term 'prohibited waste' means any substance which must be removed from Antarctica pursuant to Annex III to the Protocol, but does not include materials used for balloon envelopes required for scientific research and weather forecasting;

''(17) the term 'Protocol' means the Protocol on Environmental Protection to the Antarctic Treaty, signed October 4, 1991, in Madrid, and all annexes thereto, including any future amendments thereto to which the United States is a party;

''(18) the term 'Secretary' means the Secretary of Commerce;

''(19) the term 'Specially Protected Species' means any native species designated as a Specially Protected Species pursuant to Annex II to the Protocol;

''(20) the term 'take' means to kill, injure, capture, handle, or molest a native mammal or bird, or to remove or damage such quantities of native plants that their local distribution or abundance would be significantly affected;

''(21) the term 'Treaty' means the Antarctic Treaty signed in Washington, DC, on December 1, 1959;

''(22) the term 'United States' means the several States of the Union, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, and any other commonwealth, territory, or possession of the United States; and

''(23) the term 'vessel subject to the jurisdiction of the United States' includes any 'vessel of the United States' and any 'vessel subject to the jurisdiction of the United States' as those terms are defined in section 303 of the Antarctic Marine Living Resources Convention Act of 1984 (16 U.S.C. 2432).''.

SEC. 103. PROHIBITED ACTS.

Section 4 of the Antarctic Conservation Act of 1978 (16 U.S.C. 2403) is amended to read as follows:

''SEC. 4. PROHIBITED ACTS.

''(a) IN GENERAL.—It is unlawful for any person—

''(1) to introduce any prohibited product onto land or ice shelves or into water in Antarctica;

''(2) to dispose of any waste onto ice-free land areas or into fresh water systems in Antarctica;

''(3) to dispose of any prohibited waste in Antarctica;

''(4) to engage in open burning of waste;

''(5) to transport passengers to, from, or within Antarctica by any seagoing vessel not required to comply with the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.), unless the person has an agreement with the vessel owner or operator under which the owner or operator is required to comply with Annex IV to the Protocol;

''(6) who organizes, sponsors, operates, or promotes a nongovernmental expedition to Antarctica, and who does business in the United States, to fail to notify all members of the expedition of the environmental protection obligations of this Act, and of actions which members must take, or not take, in order to comply with those obligations;

''(7) to damage, remove, or destroy a historic site or monument;

''(8) to refuse permission to any authorized officer or employee of the United States to board a vessel, vehicle, or aircraft of the United States, or subject to the jurisdiction of the United States, for the purpose of conducting any search or inspection in connection with the enforcement of this Act or any regulation promulgated or permit issued under this Act;

''(9) to forcibly assault, resist, oppose, impede, intimidate, or interfere with any authorized officer or employee of the United States in the conduct of any search or inspection described in paragraph (8);

''(10) to resist a lawful arrest or detention for any act prohibited by this section;

''(11) to interfere with, delay, or prevent, by any means, the apprehension, arrest, or detention of another person, knowing that such other person has committed any act prohibited by this section;

''(12) to violate any regulation issued under this Act, or any term or condition of any permit issued to that person under this Act; or

''(13) to attempt to commit or cause to be committed any act prohibited by this section.

''(b) ACTS PROHIBITED UNLESS AUTHORIZED BY PERMIT.—It is unlawful for any person, unless authorized by a permit issued under this Act—

''(1) to dispose of any waste in Antarctica (except as otherwise authorized by the Act to Prevent Pollution from Ships) including—

''(A) disposing of any waste from land into the sea in Antarctica; and

''(B) incinerating any waste on land or ice shelves in Antarctica, or on board vessels at points of embarcation or debarcation, other than through the use at remote field sites of incinerator toilets for human waste;

''(2) to introduce into Antarctica any member of a nonnative species;

''(3) to enter or engage in activities within any Antarctic Specially Protected Area;

''(4) to engage in any taking or harmful interference in Antarctica; or

''(5) to receive, acquire, transport, offer for sale, sell, purchase, import, export, or have custody, control, or possession of, any native bird, native mammal, or native plant which the person knows, or in the exercise of due care should have known, was taken in violation of this Act.

''(c) EXCEPTION FOR EMERGENCIES.—No act described in subsection (a)(1), (2), (3), (4), (5), (7), (12), or (13) or in subsection (b) shall be unlawful if the person committing the act reasonably believed that the act was committed under emergency circumstances involving the safety of human life or of ships, aircraft, or equipment or facilities of high value, or the protection of the environment.''.

SEC. 104. ENVIRONMENTAL IMPACT ASSESSMENT.

The Antarctic Conservation Act of 1978 is amended by inserting after section 4 the following new section:

''SEC. 4A. ENVIRONMENTAL IMPACT ASSESSMENT.

''(a) FEDERAL ACTIVITIES.—(1)(A) The obligations of the United States under Article 8 of and Annex I to the Protocol shall be implemented by applying the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) to proposals for Federal agency activities in Antarctica, as specified in this section.

''(B) The obligations contained in section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) shall apply to all proposals for Federal agency activities occurring in Antarctica and affecting the quality of the human environment in Antarctica or dependent or associated ecosystems, only as specified in this section. For purposes of the application of such section 102(2)(C) under this subsection, the term ''significantly affecting the quality of the human environment'' shall have the same meaning as the term ''more than a minor or transitory impact''.

''(2)(A) Unless an agency which proposes to conduct a Federal activity in Antarctica determines that the activity will have less than a minor or transitory impact, or unless a comprehensive environmental evaluation is being prepared in accordance with subparagraph (C), the agency shall prepare an initial environmental evaluation in accordance with Article 2 of Annex I to the Protocol.

''(B) If the agency determines, through the preparation of the initial environmental evaluation, that the proposed Federal activity is likely to have no more than a minor or transitory impact, the activity may proceed if appropriate procedures are put in place to assess and verify the impact of the activity.

''(C) If the agency determines, through the preparation of the initial environmental evaluation or otherwise, that a proposed Federal activity is likely to have more than a minor or transitory impact, the agency shall prepare and circulate a comprehensive environmental evaluation in accordance with Article 3 of Annex I to the Protocol, and shall make such comprehensive environmental evaluation publicly available for comment.

''(3) Any agency decision under this section on whether a proposed Federal activity, to which paragraph (2)(C) applies, should proceed, and, if so, whether in its original or in a modified form, shall be based on the comprehensive environmental evaluation as well as other considerations which the agency, in the exercise of its discretion, considers relevant.

''(4) For the purposes of this section, the term 'Federal activity' includes all activities conducted under a Federal agency research program in Antarctica, whether or not conducted by a Federal agency.

''(b) FEDERAL ACTIVITIES CARRIED OUT JOINTLY WITH FOREIGN GOVERNMENTS.—(1) For the purposes of this subsection, the term 'Antarctic joint activity' means any Federal activity in Antarctica which is proposed to be conducted, or which is conducted, jointly or in cooperation with one or more foreign governments. Such term shall be defined in regulations promulgated by such agencies as the President may designate.

''(2) Where the Secretary of State, in cooperation with the lead United States agency planning an Antarctic joint activity, determines that—

''(A) the major part of the joint activity is being contributed by a government or governments other than the United States;

(B) one such government is coordinating the implementation of environmental impact assessment procedures for that activity; and

(C) such government has signed, ratified, or acceded to the Protocol,

the requirements of subsection (a) of this section shall not apply with respect to that activity.

''(3) In all cases of Antarctic joint activity other than those described in paragraph (2), the requirements of subsection (a) of this section shall apply with respect to that activity, except as provided in paragraph (4).

''(4) Determinations described in paragraph (2), and agency actions and decisions in connection with assessments of impacts of Antarctic joint activities, shall not be subject to judicial review.

''(c) NONGOVERNMENTAL ACTIVITIES.—(1) The Administrator shall, within 2 years after the date of the enactment of the Antarctic Science, Tourism, and Conservation Act of 1996, promulgate regulations to provide for—

''(A) the environmental impact assessment of nongovernmental activities, including tourism, for which the United States is required to give advance notice under paragraph 5 of Article VII of the Treaty; and

''(B) coordination of the review of information regarding environmental impact assessment received from other Parties under the Protocol.

''(2) Such regulations shall be consistent with Annex I to the Protocol.

''(d) DECISION TO PROCEED.—(1) No decision shall be taken to proceed with an activity for which a comprehensive environmental evaluation is prepared under this section unless there has been an opportunity for consideration of the draft comprehensive environmental evaluation at an Antarctic Treaty Consultative Meeting, except that no decision to proceed with a proposed activity shall be delayed through the operation of this paragraph for more than 15 months from the date of circulation of the draft comprehensive environmental evaluation pursuant to Article 3(3) of Annex I to the Protocol.

''(2) The Secretary of State shall circulate the final comprehensive environmental evaluation, in accordance with Article 3(6) of Annex I to the Protocol, at least 60 days before the commencement of the activity in Antarctica.

''(e) CASES OF EMERGENCY.—The requirements of this section, and of regulations promulgated under this section, shall not apply in cases of emergency relating to the safety of human life or of ships, aircraft, or equipment and facilities of high value, or the protection of the environment, which require an activity to be undertaken without fulfilling those requirements.

''(f) EXCLUSIVE MECHANISM.—Notwithstanding any other provision of law, the requirements of this section shall constitute the sole and exclusive statutory obligations of the Federal agencies with regard to assessing the environmental impacts of proposed Federal activities occurring in Antarctica.

''(g) DECISIONS ON PERMIT APPLICATIONS.—The provisions of this section requiring environmental impact assessments (including initial environmental evaluations and comprehensive environmental evaluations) shall not apply to Federal actions with respect to issuing permits under section 5.

''(h) PUBLICATION OF NOTICES.—Whenever the Secretary of State makes a determination under paragraph (2) of subsection (b) of this section, or receives a draft comprehensive environmental evaluation in accordance with Annex I, Article 3(3) to the Protocol, the Secretary of State shall cause timely notice thereof to be published in the Federal Register.''.

SEC. 105. PERMITS.

Section 5 of the Antarctic Conservation Act of 1978 (16 U.S.C. 2404) is amended—

(1) in subsection (a) by striking ''section 4(a)'' and inserting in lieu thereof ''section 4(b)'';

(2) in subsection (c)(1)(B) by striking ''Special'' and inserting in lieu thereof ''Species''; and

(3) in subsection (e)—

(A) by striking ''or native plants to which the permit applies,'' in paragraph (1)(A)(i) and inserting in lieu thereof ''native plants, or native invertebrates to which the permit applies, and'';

(B) by striking paragraph (1)(A)(ii) and (iii) and inserting in lieu thereof the following new clause:

''(ii) the manner in which the taking or harmful interference shall be conducted (which manner shall be determined by the Director to be humane) and the area in which it will be conducted;'';

(C) by striking ''within Antarctica (other than within any specially protected area)'' in paragraph (2)(A) and inserting in lieu thereof ''or harmful interference within Antarctica'';

(D) by striking ''specially protected species'' in paragraph (2)(A) and (B) and inserting in lieu thereof ''Specially Protected Species'';

(E) by striking ''; and'' at the end of paragraph (2)(A)(i)(II) and inserting in lieu thereof '', or'';

(F) by adding after paragraph (2)(A)(i)(II) the following new subclause:

''(III) for unavoidable consequences of scientific activities or the construction and operation of scientific support facilities; and'';

(G) by striking ''with Antarctica and'' in paragraph (2)(A)(ii)(II) and inserting in lieu thereof ''within Antarctica are''; and

(H) by striking subparagraphs (C) and (D) of paragraph (2) and inserting in lieu thereof the following new subparagraph:

''(C) A permit authorizing the entry into an Antarctic Specially Protected Area shall be issued only—

''(i) if the entry is consistent with an approved management plan, or

''(ii) if a management plan relating to the area has not been approved but—

''(I) there is a compelling purpose for such entry which cannot be served elsewhere, and

''(II) the actions allowed under the permit will not jeopardize the natural ecological system existing in such area.''.

SEC. 106. REGULATIONS.

Section 6 of the Antarctic Conservation Act of 1978 (16 U.S.C. 2405) is amended to read as follows:

''SEC. 6. REGULATIONS.

''(a) REGULATIONS TO BE ISSUED BY THE DIRECTOR.—(1) The Director shall issue such regulations as are necessary and appropriate to implement Annex II and Annex V to the Protocol and the provisions of this Act which implement those annexes, including section 4(b)(2), (3), (4), and (5) of this Act. The Director shall designate as native species—

''(A) each species of the class Aves;

''(B) each species of the class Mammalia; and

''(C) each species of plant,

which is indigenous to Antarctica or which occurs there seasonally through natural migrations.

''(2) The Director, with the concurrence of the Administrator, shall issue such regulations as are necessary and appropriate to implement Annex III to the Protocol and the provisions of this Act which implement that Annex, including section 4(a)(1), (2), (3), and (4), and section 4(b)(1) of this Act.

''(3) The Director shall issue such regulations as are necessary and appropriate to implement Article 15 of the Protocol with respect to land areas and ice shelves in Antarctica.

''(4) The Director shall issue such additional regulations as are necessary and appropriate to implement the Protocol and this Act, except as provided in subsection (b).

''(b) REGULATIONS TO BE ISSUED BY THE SECRETARY OF THE DEPARTMENT IN WHICH THE COAST GUARD IS OPERATING.—The Secretary of the Department in which the Coast Guard is operating shall issue such regulations as are necessary and appropriate, in addition to regulations issued under the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.), to implement Annex IV to the Protocol and the provisions of this Act which implement that Annex, and, with the concurrence of the Director, such regulations as are necessary and appropriate to implement Article 15 of the Protocol with respect to vessels.

''(c) TIME PERIOD FOR REGULATIONS.—The regulations to be issued under subsection (a)(1) and (2) of this section shall be issued within 2 years after the date of the enactment of the Antarctic Science, Tourism, and Conservation Act of 1996. The regulations to be issued under subsection (a)(3) of this section shall be issued within 3 years after the date of the enactment of the Antarctic Science, Tourism, and Conservation Act of 1996.''.

SEC. 107. SAVING PROVISIONS.

Section 14 of the Antarctic Conservation Act of 1978 is amended to read as follows:

''SEC. 14. SAVING PROVISIONS.

''(a) REGULATIONS.—All regulations promulgated under this Act prior to the date of the enactment of the Antarctic Science, Tourism, and Conservation Act of 1996 shall remain in effect until superseding regulations are promulgated under section 6.

''(b) PERMITS.—All permits issued under this Act shall remain in effect until they expire in accordance with the terms of those permits.''.

TITLE II—CONFORMING AMENDMENTS TO OTHER LAWS

SEC. 201. AMENDMENTS TO ACT TO PREVENT POLLUTION FROM SHIPS.

(a) DEFINITIONS.—Section 2 of the Act to Prevent Pollution from Ships (33 U.S.C. 1901) is amended—

(1) by redesignating paragraphs (1) through (9) of subsection (a) as paragraphs (3) through (11), respectively;

(2) by inserting before paragraph (3), as so redesignated by paragraph (1) of this subsection, the following new paragraphs:

''(1) 'Antarctica' means the area south of 60 degrees south latitude;

''(2) 'Antarctic Protocol' means the Protocol on Environmental Protection to the Antarctic Treaty, signed October 4, 1991, in Madrid, and all annexes thereto, and includes any future amendments thereto which have entered into force;''; and

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

''(c) For the purposes of this Act, the requirements of Annex IV to the Antarctic Protocol shall apply in Antarctica to all vessels over which the United States has jurisdiction.''.

(b) APPLICATION OF ACT.—Section 3(b)(1)(B) of the Act to Prevent Pollution from Ships (33 U.S.C. 1902(b)(1)(B)) is amended by inserting ''or the Antarctic Protocol'' after ''MARPOL Protocol''.

(c) ADMINISTRATION.—Section 4 of the Act to Prevent Pollution from Ships (33 U.S.C. 1903) is amended—

(1) by inserting '', Annex IV to the Antarctic Protocol,'' after ''the MARPOL Protocol'' in the first sentence of subsection (a);

(2) in subsection (b)(1) by inserting '', Annex IV to the Antarctic Protocol,'' after ''the MARPOL Protocol'';

(3) in subsection (b)(2)(A) by striking ''within 1 year after the effective date of this paragraph,''; and

(4) in subsection (b)(2)(A)(i) by inserting ''and of Annex IV to the Antarctic Protocol'' after ''the Convention''.

(d) POLLUTION RECEPTION FACILITIES.—Section 6 of the Act to Prevent Pollution from Ships (33 U.S.C. 1905) is amended—

(1) in subsection (b) by inserting ''or the Antarctic Protocol'' after ''the MARPOL Protocol'';

(2) in subsection (e)(1) by inserting ''or the Antarctic Protocol'' after ''the Convention'';

(3) in subsection (e)(1)(A) by inserting ''or Article 9 of Annex IV to the Antarctic Protocol'' after ''the Convention''; and

(4) in subsection (f) by inserting ''or the Antarctic Protocol'' after ''the MARPOL Protocol''.

(e) VIOLATIONS.—Section 8 of the Act to Prevent Pollution from Ships (33 U.S.C. 1907) is amended—

(1) in the first sentence of subsection (a) by inserting ''Annex IV to the Antarctic Protocol,'' after ''MARPOL Protocol,'';

(2) in the second sentence of subsection (a)—

(A) by inserting ''or to the Antarctic Protocol'' after ''to the MARPOL Protocol''; and

(B) by inserting ''and Annex IV to the Antarctic Protocol'' after ''of the MARPOL Protocol'';

(3) in subsection (b) by inserting ''or the Antarctic Protocol'' after ''MARPOL Protocol'' both places it appears;

(4) in subsection (c)(1) by inserting '', of Article 3 or Article 4 of Annex IV to the Antarctic Protocol,'' after ''to the Convention'';

(5) in subsection (c)(2) by inserting ''or the Antarctic Protocol'' after ''which the MARPOL Protocol'';

(6) in subsection (c)(2)(A) by inserting '', Annex IV to the Antarctic Protocol,'' after ''MARPOL Protocol'';

(7) in subsection (c)(2)(B)—

(A) by inserting ''or the Antarctic Protocol'' after ''to the MARPOL Protocol''; and

(B) by inserting ''or Annex IV to the Antarctic Protocol'' after ''of the MARPOL Protocol'';

(8) in subsection (d)(1) by inserting '', Article 5 of Annex IV to the Antarctic Protocol,'' after ''Convention'';

(9) in subsection (e)(1)—

(A) by inserting ''or the Antarctic Protocol'' after ''MARPOL Protocol''; and

(B) by striking ''that Protocol'' and inserting in lieu thereof ''those Protocols''; and

(10) in subsection (e)(2) by inserting '', of Annex IV to the Antarctic Protocol,'' after ''MARPOL Protocol''.

(f) PENALTIES.—Section 9 of the Act to Prevent Pollution from Ships (33 U.S.C. 1908) is amended—

(1) in subsection (a) by inserting '', Annex IV to the Antarctic Protocol,'' after ''MARPOL Protocol,'';

(2) in subsection (b)(1) by inserting '', Annex IV to the Antarctic Protocol,'' after ''MARPOL Protocol,'';

(3) in subsection (b)(2) by inserting '', Annex IV to the Antarctic Protocol,'' after ''MARPOL Protocol,'';

(4) in subsection (d) by inserting '', Annex IV to the Antarctic Protocol,'' after ''MARPOL Protocol,'';

(5) in subsection (e) by inserting '', Annex IV to the Antarctic Protocol,'' after ''MARPOL Protocol''; and

(6) in subsection (f) by inserting ''or the Antarctic Protocol'' after ''MARPOL Protocol'' both places it appears.

SEC. 202. PROHIBITION OF CERTAIN ANTARCTIC RESOURCE ACTIVITIES.

(a) AGREEMENT OR LEGISLATION REQUIRED.—Section 4 of the Antarctic Protection Act of 1990 (16 U.S.C. 2463) is amended by striking ''Pending a new agreement among the Antarctic Treaty Consultative Parties in force for the United States, to which the Senate has given advice and consent or which is authorized by further legislation by the Congress, which provides an indefinite ban on Antarctic mineral resource activities, it'' and inserting in lieu thereof ''It''.

(b) REPEALS.—Sections 5 and 7 of such Act (16 U.S.C. 2464 and 2466) are repealed.

(c) REDESIGNATION.—Section 6 of such Act (16 U.S.C. 2465) is redesignated as section 5.

TITLE III—POLAR RESEARCH AND POLICY STUDY

SEC. 301. POLAR RESEARCH AND POLICY STUDY.

Not later than March 1, 1997, the National Science Foundation shall provide a detailed report to the Congress on—

(1) the status of the implementation of the Arctic Environmental Protection Strategy and Federal funds being used for that purpose;

(2) all of the Federal programs relating to Arctic and Antarctic research and the total amount of funds expended annually for each such program, including—

(A) a comparison of the funding for logistical support in the Arctic and Antarctic;

(B) a comparison of the funding for research in the Arctic and Antarctic;

(C) a comparison of any other amounts being spent on Arctic and Antarctic programs; and

(D) an assessment of the actions taken to implement the recommendations of the Arctic Research Commission with respect to the use of such funds for research and logistical support in the Arctic.

Mr. BOND. Mr. President, I ask unanimous consent that S. 1645 be placed back on the calendar.

MEASURE READ THE FIRST TIME—S. 2053

Mr. BOND. Mr. President, I understand that S. 2053 introduced today by Senator GRASSLEY is at the desk and I ask for its first reading.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 2053) to strengthen narcotics control reporting requirements and to require the imposition of certain sanctions on countries that fail to take effective action against the production of and trafficking in illicit narcotics and psychotropic drugs and other controlled substances, and for other purposes.

Mr. BOND. Mr. President, I now ask for its second reading, and I object to my own request on behalf of Senators on the Democratic side of the aisle.

The PRESIDING OFFICER. Objection is heard, and the bill will be read on the next legislative day.

ORDERS FOR THURSDAY, SEPTEMBER 5, 1996

Mr. BOND. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 9:30 a.m. on Thursday, September 5; further, that immediately following the prayer, the Journal of proceedings be deemed approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and the Senate then proceed under the order to the consideration of the military construction appropriations conference report.

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

PROGRAM

Mr. BOND. Mr. President, for the information of all Members, tomorrow morning following the 30 minutes of debate there will be two consecutive rollcall votes beginning at approximately 10 a.m. with the first vote on the military construction appropriations conference report to be followed by a vote on the District of Columbia appropriations conference report. Following those votes the Senate will resume the VA–HUD appropriations bill. All Senators can expect additional votes on Thursday as we attempt to and I hope actually complete action on the bill.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. BOND. 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 7:02 p.m., adjourned until Thursday, September 5, 1996, at 9:30 a.m.